EPISTULAE AD TRAIANUM

C. PLINII CAECILII SECUNDI

EPISTULAE

AD TRAIANUM IMPERATOREM CUM EIUSDEM RESPONSIS

EDITED, WITH NOTES AND INTRODUCTORY ESSAYS

BY

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PREFACE

PLINY'S Letters to Trajan have little share in the literary interest of his other correspondence, and they have hitherto received comparatively scanty attention from editors and scholars. And indeed they would probably have received still less but for the famous letter on the subject of the Christians, contained among them. They have, however, a decided interest and importance of their own. They show us the actual working of the Roman provincial administration, though doubtless under somewhat exceptional circumstances, and in a province of secondary importance. The governors of Bithynia were not concerned with properly imperial interests; they had no important frontier to defend, and no dealings with threatening barbarian tribes. But the routine business, dealing often with petty and trivial matters, the financial disorders, the local jealousies, of which we get here and there in these letters a glimpse, and not least the suspicious oversight over the local collegia, are, there is every reason to believe, typical of many, if not of most, of the Roman provinces. In the notes to the Letters the attempt has been made, where possible, to refer the procedure of the legatus on the one hand, and the rescripts of the emperor on the other, to the general rules which guided the administration of the provinces. It seems indeed desirable that the wealth of information collected

inductively from so many different sources in Mommsen's *Staatsrecht*, should be applied sometimes, so to speak, deductively to illustrate particular authors. It was with this view that I selected Pliny's correspondence with Trajan, as offering a most suitable and at the same time hitherto unworked material for this purpose. To illustrate the various points, all the side-lights possible have been thrown from other authors, from Inscriptions, and not least from the Digest. For a very large number of these I am indebted to Mommsen's and Marquadt's *Handbücher der Römischen Alterthümer;* for a few, as I have acknowledged elsewhere, to Döring's edition of the Letters. It is hoped that the text, based on a comparison of the original editions, with the additional help afforded by the Bodleian MS., will in some passages be found an improvement on Keil's. The book is not primarily intended for school use. Pliny is indeed far too little read in schools generally, and perhaps the 'literae inliteratissimae' of this correspondence would be considered less suitable as an introduction to that author than some one of the other books of the collection. At the same time, if it is not to remain a law of the Medes and Persians that for school purposes Roman history should end with Augustus, I should venture to express the opinion that the portion of a school term which would be necessary for the mastering of these Letters with all their details by a sixth form, would be time not uselessly spent. I hope shortly to submit to a similar treatment, though in a manner and within a range more directly suitable for school use, Plutarch's lives of Galba and Otho.

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ERRATA

Page 34, line 20: *instead of* 'They were not subordinated to any higher executive authority, theoretically not even to the emperor, whose proconsular imperium was constitutionally co-ordinate with theirs.'

read 'They were not subordinated directly to any higher executive authority, though in cases of collision the proconsular power of the emperors, as maius imperium, would overrule theirs.'

Page 100, heading of Ep. xi: *instead of* 'Media,' *read* 'Medici.'

INTRODUCTION

LIFE OF TRAJAN

MARCUS ULPIUS TRAIANUS, Roman emperor from 98-117 A.D., was born at Italica, in the province of Baetica, on September 18,[1] 52 or 53 A.D.[2] Italica had been founded by Scipio as an asylum for his wounded veterans,[3] and therefore the Ulpian and Traian gentes were probably, like the Aelian, of Italian origin. Baetica had long been one of the most thoroughly Romanised of the provinces, and had contributed several illustrious names to Roman politics and literature, but of the Ulpian gens, Trajan's father, M. Ulpius Traianus, was the first who attained to curule office at Rome and senatorial rank. We find him first in the Jewish war under Vespasian, acting as legate of Legio X Fretensis[4] at the siege of Joppa. This post implies a previous praetorship, and his services in the war were rewarded by the consulship, probably in 69 A.D. In 76 he was legate of Syria,[5] and during his governorship some frontier hostilities with the Parthians gave him the opportunity of winning the 'triumphalia ornamenta.'[6] In this campaign his son, the future emperor, served as military tribune, and, if we may trust to the courtly phrases of Pliny, not without distinction.[7] In 79 an inscription of Laodicea proves him to have held the dignified

[1] Orelli, 1104. Plin. *Ep. ad Trai.* 17; *Panegyr.* 92. Cf. Sueton. *Dom.* 17.

[2] The statement of Dio Cassius (68, 6) that he was forty-two at the time of his adoption, would put forward the date of his birth to 55 A.D., which would not leave time for the ten years spent as military tribune and the other offices prior to the praetorship in 85 A.D.

[3] Appian, *De reb. Hisp.* c. 38.

[4] Iosephus, *Bell. Iud.* iii 7, 31.

[5] As a medal of Antioch proves. Eckhel, vi 434.

[6] Dio Cassius, 68, 15, and Plin. *Panegyr.* 9. Aurelius Victor, *Caes.* 9.

[7] Plin. *Panegyr.* 14.

post of proconsul of Asia.[1] The young Trajan therefore entered upon the ordinary career open to youths of senatorial family with somewhat more than ordinary prospects. Of his boyhood and youth we have no information. He entered the army as military tribune perhaps earlier than was usual, and before he had gone through anything like a thorough course of rhetorical training,[2] a deficiency which did not seriously affect his later career. Nor was his the ordinary 'semestris militia' of the senatorial youth. Entering the service probably in 68 A.D., he seems to have served under his father in the Jewish war, while in the course of the ten campaigns which Pliny mentions[3] he served on the Rhine in Lower Germany,[4] and, as we have already seen, was engaged in his father's Parthian campaign in 75 or 76 A.D. During these years, we may well believe, apart from Pliny's exaggerated expressions, that Trajan showed those qualities which afterwards made him the hero of his soldiers. In 78, with a military experience and reputation greater than that of most of his contemporaries, Trajan returned to Rome, and during the last years of Vespasian, and the short reign of Titus, he was successively passing through the ordinary 'cursus honorum;' first the quaestorship, then either the tribunate of the plebs or the curule aedileship, and then the praetorship. The latter office he almost certainly held in 85 A.D., for Spartian[5] mentions him as 'praetorium tunc' in Hadrian's tenth year (86 A.D.) Of his conduct in these offices we know nothing; the times were not stirring, and he was probably as unobtrusive as Tacitus describes Agricola to have been. Owing to this necessary residence in the city, Trajan lost the chance of distinguishing himself in Domitian's war against the Chatti (83-84), but after his praetorship we find him in 89 in Spain, charged by Domitian with the task of leading the Legio I Adiutrix from that province to Upper Germany.[6] The object of this transfer has frequently been misunderstood. Trajan was not governor of Hispania Tarraconensis, which was a consular appointment, nor was he at this time made legate of Upper Germany, for the command of

1 C. I. Gr. 3935.
2 Dio Cassius, 68, 7.
3 Plin. *Panegyr.* 15.
4 *Ib.* 14. It seems to have been a rule that governors were not appointed to provinces where they had served as tribunes. Trajan was afterwards legate of Upper Germany.
5 Spart. *Hadr.* c. i.
6 Plin. *Panegyr.* 14.

so important a post from 89 till 97, the date of his adoption by Nerva, would have been contrary to all precedent. There is no doubt that he was legate of the Legio I Adiutrix, then stationed in Spain, and that he was sent to Germany to act against Antonius Saturninus, who had induced the two legions at Vindonissa to revolt, and had even entered into communication with the Chatti.[1] As a reward probably for the alacrity shown upon this occasion, Trajan was made one of the 'consules ordinarii' for 91 A.D., a mark of especial favour from an emperor whose own frequent consulships diminished the number which he had to confer on others. Beyond this, however, Domitian, who in his later years cherished an insane jealousy for military talent, did not advance him. For the next six years we know nothing of Trajan's position, though from one passage of the *Panegyric*[2] he seems to have lived at Rome and shared the dangers of Domitian's reign of terror. But if he was passed over by Domitian, promotion came with the election of Nerva,[3] by whom he was appointed legate of Upper Germany,[4] still perhaps, in spite of the number of legions on the Danube, the premier military command. There was, however, at this period no need for military operations on the Rhine, and Trajan's work needed administrative ability even more than strategic skill.[5] Domitian had inaugurated a new frontier policy in Upper Germany. The Rhine was to be no longer the boundary. With a formidable tribe like the Chatti confronting the Roman arms, it was deemed advisable to throw forward some farther barrier in their way, and especially to command the valleys of such tributary rivers as the Main and the Neckar, through which at any time an enemy might penetrate. It was with this end that Domitian had pushed forward his legions against the Chatti, and commenced the 'limes' extending from Friedberg through Wörth to Lorch, where it was subsequently met by the Raetian 'limes,' which ran eastward to Regensberg. By this means the Black Forest, the region hitherto called the 'Agri Decu-

1 Dierauer (*Beitrage zu einer Kritischen Geschichte Trajan*, p. 12) gives conclusive reasons for placing the rising of Saturninus in 89, and not in 93 as Merivale does.

2 Plin. *Panegyr.* 44. 'Vixisti nobiscum; periclitatus es.'

3 *Ib.* 94. 'Praeteritus est a pessimo principe, qui ab optimo non potuit.'

4 That he was appointed by Nerva and not by Domitian, is almost certain, as well from c. 94 as from c. 9 of the *Panegyric*.

5 Plin. *Panegyr.* 56.

mates,' was taken into the empire, a step which not only forced back the Chatti, but made the frontier of the empire in this quarter far more compact; rendered the presence of a strong garrison at both Vindonissa and Argentoratum no longer necessary, and so enabled the German provinces to dispense with half its former military force.[1] Inadequate as our information is, there is no doubt that this change of the frontier line was what mainly occupied Trajan in Germany. Eutropius tells us vaguely that he restored the cities beyond the Rhine,[2] and we know that he built a fort 'munimentum Traiani' opposite to Maintz, and also founded a 'civitas Ulpia' near Ladenberg[3] on the Neckar, as well as a town on the site of Baden.[4] Meanwhile the feeble Nerva at Rome, finding himself unable to preserve the imperial dignity against the turbulent praetorians,[5] determined, partly on the advice of Licinius Sura,[6] to make Trajan his adopted son and successor. This he did on October 27, 97 A.D., in the presence of the people assembled in the Capitol to celebrate a military success just announced from Pannonia over the Suevi.[7] Confidence was at once restored at Rome; nor do we hear of any discontent with the election among the legions either of the Danube or the East. Trajan at once received the title of imperator, and also the 'tribunicia potestas,' while he entered on his second consulship in 98. Nerva did not long survive this, the most important act of his reign. He died January 28, 98 A.D.; and Trajan thus became sole imperator. The news reached him at Cologne, where he was engaged in regulating the affairs of Lower Germany, not as legate of the province, but as imperator. Here the Rhine was retained as the frontier, but Trajan strengthened the Roman defence by replacing the ruined Vetera, perhaps never restored since its destruction by Civilis, by a new camp a few miles farther to the north, which, under the name of Colonia Traiana, became the headquarters of the new legion, the XXXth Ulpia Victrix. Closely connected with Trajan's German command is the *Germania* of Tacitus, published in 98,[8] and evidence of the

[1] The reduction was not made all at once, but while under Domitian there were eight legions still on the Rhine, by the end of Hadrian's reign there were only four.

[2] Eutropius, viii 2. Cf. Tac. *Germ.* 29.

[3] Brambach, C. I. Rh. 1713.

[4] *Ib.* 1666.

[5] Plin. *Panegyr.* 5. Dio Cassius, 68, 3.

[6] Aur. Vict. *Caes.* c. 13.

[7] Plin. *Panegyr.* 8. Henzen, 5439.

[8] Tac. *Germ.* c. 37.

importance attached to Germany and German affairs by the Roman statesmanship of the time. During the whole of 98 Trajan remained in Germany. Rome was quiet; the new emperor had given an example of firmness by the execution of the guilty praetorians,[1] while he had won the confidence of the senate by repeating the oath formerly taken by Nerva to put no senator to death; and his refusal to accept a consulship for which his absence prevented a personal canvass, appealed strongly to all those who like Pliny loved the old constitutional forms.[2] During the winter of 98 Trajan seems to have made a reconnaissance on the Danube, probably in connection with the recent war with the Suevi,[3] and the military roads by which he intended to connect the Rhine and Danube provinces. But his presence was now desired in Rome,[4] and as he had finished his work in Germany, and completely restored the discipline and efficiency of the army, which had been pampered by Domitian,[5] thither he proceeded in the course of 99, certainly in time for the consular elections, at which he was appointed consul for the third time. He was greeted with rapture by the people, and his affability and condescension, as well as the tact with which he treated the senate and aristocracy, won the hearts of all.[6] With the senate indeed his relations were most cordial.[7] Real senatorial government in any but municipal matters was long since impossible. The senators had no means of being acquainted with the needs of the empire; they were in many cases provincials, strange to Rome, and completely ignorant even of the procedure of the senate.[8] But Trajan presided at their meetings; allowed them to vote by ballot;[9] consulted them even on matters of foreign policy; and declared war in their name. The senate on its part could not sufficiently express its admiration of so constitutional a princeps,[10] conferred on him the title of 'optimus,'[11] and was always ready with the fulsome adulation with which Pliny has made us acquainted.[12] The people he won by a liberal 'congiarium' and by gladiatorial

[1] Dio Cassius, 68, 3 and 5.
[2] Plin. *Panegyr.* 58, 60, and 79.
[3] *Ib.* 12.
[4] Martial x 7.
[5] Plin. *Panegyr.* 18; *Ep. ad Trai.* 29.
[6] Plin. *Panegyr.* 21.
[7] *Ib.* 23 and 69.
[8] Plin. *Ep.* viii 14.
[9] *Ib.* iii 20.
[10] Plin. *Panegyr.* 65.
[11] It was however not accepted as a regular cognomen till 114 A.D. Cf. Henzen, 6857.
[12] Plin. *Panegyr.* 73 and 74.

games;[1] his palace was open to all,[2] while the general spirit of his rule appears in the anecdote given by Dio, that on girding the praefect of the praetorians with the sword of office, he told him to use it for him if he ruled well, against him if he ruled ill.[3]

For Trajan's administrative and legislative activity in Rome before the Dacian wars we owe all our information to Pliny's *Panegyric*, an address of thanks to the emperor, which as one of the 'consules suffecti' he delivered in the senate in September 100 A.D. One of the first acts was the punishment of the 'delatores,' from whom so much mischief had arisen under Domitian. After being subjected to public ignominy, apparently in the amphitheatre, they were sent away to various places of exile.[4] In close connection with this act of justice was the resolution no longer to employ the 'leges maiestatis'[5] as a means either of getting money or intimidating the nobles. On the contrary, the senatorial families were encouraged to come forward into public life, and special concessions were made to their younger members whereby the offices might be filled at an earlier age.[6] Another matter of general and even vital interest was the corn supply. By establishing free trade in corn between the various parts of the empire, the liability to famine was reduced to a minimum; and Egypt, on which the city had been wont to depend for its corn, was actually relieved in a bad season by the capital.[7] The list of recipients of corn in the city also was subjected to a revision, and was made to include 5000 poor children, a step due partly, no doubt, to charity, but even more to the necessity of supplying increased numbers of future citizens and soldiers[8] devoted to his service. In financial matters Trajan was generous, perhaps even as Pliny suspected,[9] to imprudence. By establishing a special court appointed by lot for fiscal matters,[10] an appearance at any rate of impartiality was given to cases in which the emperor had a direct interest. Further, the 'aureum coronarium' presented to the emperor on his accession by the provinces was remitted,[11] and concessions were made in connection with the 'vicesima hereditatum' in the case of fathers inheriting from sons and brothers from sisters, although the parties did not possess the 'ius cognationis.'[12] Other 'vectigalia' too were remitted.[13] On the other hand, the prosperity caused by the mild and equitable administration rendered indirect taxation far more profitable to the government: legacies to the emperor, no longer compelled by fear, were dictated to a much greater extent by love, and holders of irregular successions, for which 'delatores' had hitherto been on the watch, were now induced by the promise of one-half of the estate to declare the irregularity and pay the other half into the 'aerarium.' If we add to this

[1] Plin. *Panegyr.* 33. [2] *Ib.* 48.
[3] Dio Cassius, 68, 16.
[4] Plin. *Panegyr.* 33 and 34; Martial, *De Spectac.* 4, 3-4.
[5] Plin. *Panegyr.* 42. [6] *Ib.* 69. [7] *Ib.* 29-31.
[8] *Ib.* 26 and 28. [9] *Ib.* 41.
[10] *Ib.* 36. [11] *Ib.* 41. [12] *Ib.* 38 and 39.
[13] *Ib.* 41.

the spoils which presently came in from the Dacian wars, the balance would decidedly be in favour of the administration, the economy of which was increased by a financial commission appointed from the senate.[1]

With the year 101 the second part of Trajan's reign began. His power was consolidated in Rome, and he was able to turn his attention to foreign affairs. Of these by far the most pressing were the relations with the barbarian tribes on the Danube. Domitian's Dacian war had left these in a most unsatisfactory state. In spite of the nominal triumph of 91 A.D., the position of Decebalus was hardly weakened, while his purchase of warlike machines and other preparations pointed to a speedy renewal of the war. Trajan determined by prompt action to establish the same security along the Danube which the Rhine provinces now enjoyed. Whether he had determined at the outset to annex Dacia, or whether he contemplated only the reduction of Decebalus to the position of a client king, we cannot say. The details of the wars are imperfectly known. The fullest account was probably that of Dio Cassius, who, having himself been legate of Pannonia, must have had the opportunity of getting precise information; but the abridgment of his lost work by Xiphilinus, our chief historical authority, is both meagre and inexact as to the order of events. However, by taking this as the basis, and using all the side lights thrown on the subject by inscriptions, medals, and traces of roads, and above all by the Columna Traiana at Rome, a fairly clear account of the general course of the wars has been rendered possible. Starting from Rome in March of 101,[2] in which year he was Cos. IV.,[3] Trajan proceeded to Viminacium in Upper Moesia. A road had been already made by his orders along the right bank of the Danube, while a bridge of boats was prepared at Lederata. In all probability the invasion of Dacia was made at two points. While Trajan himself, with the Pannonian army under the legate Glitius Agricola, proceeded through the Banat past Berzovia and Ahilis,[4] and through the Iron Gate, the Moesian army under M' Laberius passed through little Wallachia and joined the

[1] Plin. *Panegyr.* 62; *Ep.* ii. 1.
[2] Cohen, *No.* 135.
[3] Plin. *Panegyr.* 78.
[4] As a fragment of Trajan's own commentary proves, quoted by Priscian, vi p. 682.

other at Tibiscum before reaching Sarmizegethusa. At this time there were nine legions posted along the Danube between Vindobona and Durostorum. From those, no doubt, the army of Trajan was selected, though he also had strong bodies of the praetorian cohorts and some Moorish cavalry under Lusius Quietus. Licinius Sura was chief of his staff and Hadrian his quaestor. The first war occupied two campaigns. The Dacians, helped by German and Sarmatian tribes, offered an obstinate resistance; but, undeterred by a warning message from the Bures,[1] and by two embassies from Decebalus, Trajan steadily advanced towards the capital. Two battles were apparently fought, and Tibiscum and finally Sarmizegethusa captured. The result was that Decebalus was compelled to destroy his fortresses, surrender his engines of war, as well as the Roman deserters, and become a client of Rome. For two years the peace was maintained. Trajan received the title of Dacicus, assumed the consulship for the fifth time in 103, and distributed a second 'congiarium' to the people. Decebalus, however, who had apparently entered into some communications with Pacorus, king of Parthia,[2] at once resumed his former tactics; fresh fortresses were raised, the territory of the Iapyges, now allies of Rome, violated, and the natural inaccessibility of the country increased, while attacks were probably made on the garrisons left in the country by Trajan.[3] The emperor had, no doubt, foreseen some such result, and with a view to future operations had commissioned Apollodorus of Damascus to build a permanent bridge across the Danube at Drobetae, a marvel of engineering skill and boldness.[4] At the end of 104 war was again declared by the senate, and next year Dacia was once more invaded. Details are even scantier than in the former war. The Dacians apparently had this time no allies, while, in addition to the former routes, an army seems to have advanced up the valley of the Aluta, and through the Rothenthurm.[5] The difficulties of the campaign were great, but consisted more in the nature of the country to be traversed and the maintenance of communications than in the actual resistance encountered. Some romance was added to the campaign by

[1] Dio Cassius, 68, 8.
[2] Plin. *Ep. ad Trai.* 16.
[3] Dio Cassius, 68, 9.
[4] Dio Cassius, 68.
[5] Brambach, C. I. Rh. 405.

the attempted treachery of Decebalus,[1] and by the capture and voluntary death of Cassius Longinus. Baffled and defeated, Decebalus put an end to his own life, and Trajan, now saluted IMP. VI., determined to complete his work by the annexation of Dacia.[2] The Dacian population was almost completely exterminated, and colonists were introduced into the new province from every part of the Roman world,[3] but especially from the denationalised population of Asia Minor.[4] Roman civilisation and language were introduced, and a considerable commercial and mining activity was developed.[5] Sarmizegethusa was made a Roman colony; other towns received the 'ius Italicum,' while the province was garrisoned by a legion, the XIIIth Gemina, stationed at Apulum. At the same time, to strengthen the frontier arrangements, an important military camp was formed at Troesmis, while Paetovio, Ratiaria, Oescus,[6] and Marcianopolis[7] were either founded or refounded. Pannonia was divided into an Upper and Lower province, and military roads were made or repaired throughout the Haemus region.[8] By the end of 106 A.D. Trajan was again in Rome.[9] A third 'congiarium' was given to the people, and for 123 days gladiatorial games and 'venationes' were exhibited in the Colosseum.

A year previously the extinction of the Idumaean line of kings reigning in Trachonitis brought the empire into immediate relations with the turbulent Nabataean tribes of Arabia Petraea. Considering that their plundering raids would be a continual annoyance to Syria, and that the important caravan routes from Mesopotamia passed through this region, Trajan gave orders to Cornelius Palma, the legate of Syria, to annex the country. Its acquisition as a province in 105, and the posting of a legion, the IIIrd Cyrenaica, at Bostra was followed by the establishment of order, and by all the material signs of civilisation in the shape of aqueducts, roads, and

[1] Dio Cassius, 68, 11.

[2] Probably only Transylvania, little Wallachia, and part of the Banat were included in the province. Eutropius gives the circuit as 'decies centena millia passuum.' The boundaries given by Ptolemy, iii. 8, are probably geographical, not political.

[3] Eutrop. viii 6.

[4] C. I. L. iii, p. 160.

[5] C. I. L. iii, pp. 921-966.

[6] Henzen, 5280.

[7] Ammian. xxvii 4.

[8] Aur. Vict. *Caes.* 13.

[9] Licinius Sura, the chief of his staff in both wars, was 'consul ordinarius' for 107.

temples, the vestiges of which form a striking contrast to the desolation of the region at the present time.

After his return from the Dacian wars Trajan remained at Rome engaged with the general cares of the empire for the next six years. Anything like a detailed history of the period is impossible. Dio Cassius passes it over almost in silence, the allusions of Pliny are often obscure, and our chief source of information consists in medals and inscriptions. To this period we must assign the various steps which Trajan took to restore to Italy something of its former prosperity.[1] Of these the first place in importance is held by the system of 'alimentationes,' commenced indeed by Nerva,[2] but worked out by Trajan.[3] A sum of money assigned from the 'fiscus' was lent to a number of landowners in a particular district, or to the community itself, the security being a mortgage on the estate, which was however never allowed to exceed about one-tenth of its total value. The interest to be paid for this loan varied according to local circumstances from two and a half to five per cent, although the general rate of interest was as much as ten per cent, and was paid by the mortgagees as a monthly support for a number of poor boys and girls of the district. How far this custom extended throughout Italy we do not know, but the words of Dion and the medals seem to imply that it was a general one, and we may therefore take the two inscriptions which give us most of our information[4] as particular examples of a general system. At Veleia a sum of 1,044,000 HS. was assigned on mortgage to 46 estates, the collective value of which was 13,077,536 HS. The interest at five per cent (52,200 HS.) was employed in 245 grants of 16 HS. a month for boys, in 34 grants of 12 HS. a month for girls, while 12 and 10 HS. a month were set apart respectively for one illegitimate boy and girl. The object of the institution was a double one. While it helped poor parents to bring up their children, and so provided citizens and soldiers, it also assisted Italian husbandry by providing capital at low rates of interest. Another though more questionable means towards this end was the provision that provincial candidates for office at Rome should invest one-third of their property in Italian land.[5] A third institution intended to improve the condition of Italy was that of appointing 'curatores civitatum,' extraordinary magistrates nominated by the emperor to regulate the often disorganised finances of the Italian cities. In certain cases interference of this sort may have been an advantage, especially as Italy was not under the eye of a provincial

[1] Cohen gives numerous medals with the legend 'Italia Restituta.'

[2] Aur. Vict. *Epit.* c. 12.

[3] Cohen gives a number of medals with the legend 'Alimenta Italiae,' dating between 104 and 110 (Cos v); Dio Cassius, 68, 5.

[4] The tabula of Veleia, dating between 103 and 114, and that of the Ligures Baebiani (Henzen, 6664), dating from 101. See also Cohen, 13, 14, 300-304, and 373.

[5] Plin. *Ep.* vi. 19.

governor, but as the custom became the rule rather than the exception, the advantages of self-government were lost, and the feeling of municipal responsibility lessened. In other respects Trajan's care for Italy showed itself in more unimpeachable ways. The roads were everywhere restored,[1] bridges built,[2] the Pontine marshes made passable,[3] while a new road was constructed at Trajan's own expense from Beneventum to Brundisium.[4] While internal communications in Italy were thus facilitated, its foreign trade was assisted by the enlargement of the harbour at Ostia, where a new and larger basin was added to that of Claudius and connected with the Tiber by a new canal.[5] Another harbour was made at Centum Cellae (Civita Vecchia), begun shortly after the second Dacian war,[6] while a third was constructed on the east coast at Ancona, as the inscription on Trajan's triumphal arch there records.[7] Instances of a similar care for the provinces are the bridge at Alcantara over the Tagus,[8] and the restoration of the canal between Bubastis and Arsinoe by means of which the products of the porphyry quarries could be conveyed to the Mediterranean.[9] Of Trajan's splendid forum in Rome, probably finished in 112, with its basilica and libraries, and above all the noble column which still stands erect, nothing need here be said, but the restoration of the Aqua Marcia, and the construction of the new Aqua Traiana proves that in his building as in his other public acts, he sought the well-being of his people.

Of Trajan's provincial administration we seem at first sight to have a peculiar means of judging from the correspondence with Pliny. This, on examination, however, turns out to be at least partially delusive. Bithynia under senatorial government had been allowed to fall into a state of great disorganisation,[10] the finances were in disorder,[11] public buildings dilapidated,[12] and at least two of the governors had recently been accused of 'repetundae.'[13] It was thus to meet a specific and temporary need that Pliny, who had gained some knowledge of Bithynian affairs by his part in the actions against Bassus and Varenus, was in 111 A.D.[14] sent out on a special mission[15] by Trajan to restore order. The correspondence therefore

1 Galen, *De Method. Medendi*, ix 8.
2 C. I. L. ii 2478. Mommsen, *Insc. Neap.* 6241.
3 Dio Cassius, 68, 15.
4 Henzen, 5169; Cohen, 289-290, 546-548; Mommsen, *Inscrip. Neap.* 6289 and 6290.
5 Cohen, 365 and 366; Juv. xii 75.
6 Plin. *Ep.* vi 31.
7 Orelli, 792.
8 C. I. L. ii pp. 759 and 760.
9 Ptolemy iv 5.
10 Plin. *Ep. ad Trai.* 32.
11 *Ib.* 52, 109.
12 *Ib.* 46, 48, 99.
13 *Ib.* v 20; iv 9.
14 The date is fixed by C. I. L. iii 77, which mentions Calpurnius Macer as proprietor of Lower Moesia in 112, taken in connection with the mention of him in *Ep. ad Trai.* 41, 61, and 62.
15 See the Pliny Inscription, p. 16.

between Pliny and the emperor, though highly instructive, cannot be taken as an example of Trajan's general habit, though we may be sure that the care, solicitude, and fairness displayed in his replies were characteristic of his administration throughout the empire. The points which come out most clearly in the correspondence are, besides the careful attention paid to details which was probably exceptional, the consistent desire shown by Trajan to respect local customs and usages,[1] the avoidance of general rules and principles,[2] and the equitable spirit[3] which insists on the execution of the laws, but observes vested interests,[4] and avoids the appearance of anything arbitrary. Perhaps the most important answer of Trajan is that concerning the proceedings against the Christians. "They should not be sought out, but if brought before you, and convicted, they must be punished. If the accused denies his religion, and proves his denial by supplication to our gods, in spite of previous suspicion, he should be pardoned." This reply made Christianity a definite political offence, and laid down the precedent which in fact characterised the subsequent persecutions. If Bithynia demanded a special share of Trajan's attention, the other non-military provinces were not neglected. Marius Priscus was convicted of mal-administration in Africa,[5] Classicus was called to account for his conduct in Baetica,[6] while Marius Maximus was sent on a special mission to regulate the affairs of Achaia.[7] The establishment of 'praefecti vehiculorum,'[8] to prevent abuses and extortion in connection with the public post-system must have been a common boon to all the provinces.

The last years of Trajan's reign were occupied by a Parthian war. Possibly the interval of peace had become irksome to his warlike temperament, possibly he deemed it necessary to pursue the same forward policy on the eastern frontier which had apparently met with success on the Danube. In any case, the affairs of Armenia, as usual, offered the pretext for war. The Parthian king Chosroes had set up his brother Parthamasiris on the throne, and though he sought investiture from Trajan, the emperor finally put aside the policy which Nero's

[1] Plin. *Ep. ad Trai.* 66, 68, 48, 109, 115.
[2] *Ib.* 113.
[3] *Ib.* 55, 68, 84, 109, 111.
[4] *Ib.* 29, 30, 108, 109.
[5] Plin. *Ep.* ii 11; Juv. i.
[6] Plin. *Ep.* ii 11.
[7] *Ib.* viii 24.
[8] *Ib.* 44 and 45.

government had pursued, and set out for the east at the end of 113 A.D.[1] There were at this time seven legions along the eastern frontier between Cappadocia and Arabia. These, however, as was usually the case with the oriental legions, were demoralised and undisciplined, and Trajan led over troops from Pannonia, as well as strong bodies from the praetorian cohorts. Starting from Antioch, and avoiding the route through the desert by marching along the Upper Euphrates into Little Armenia, Trajan received at Satala the submission of the petty kings of the Caspian tribes, whom he secured in their kingdoms,[2] and made clients of the empire. To Parthamasiris, who came to pay his homage to Trajan at Elegeia, a different reception was given. His homage was refused,[3] and his kingdom made into a Roman province,[4] while he himself, either with or without Trajan's connivance, met with a violent death.[5] The campaign of the next year (115) was marked by an advance into Osrhoene and the submission of its king, Abgarus, while Lusius Quietus, advancing farther into the east, occupied the district surrounding Singara and Nisibis. These successes were marked by the tenth, eleventh, and twelfth salutations as imperator, and by the end of the year another new province with Nisibis as its capital was formed under the name of Mesopotamia,[6] while Trajan now assumed the title of Parthicus. The winter of this year was spent at Antioch, where during Trajan's stay a terrific earthquake took place, while the martyrdom of Ignatius is most probably to be assigned to the same time. The next year (116) the Tigris was crossed and Adiabene conquered, after which Trajan marched down the right bank of the Tigris to Babylon. Meanwhile ships had been built in the neighbourhood of Nisibis, and conveyed across country to the Tigris, which was crossed for the second time in the late summer, and Ctesiphon the Parthian capital was taken the same year.[7] A third province was added under the name of Assyria,[8] and the formidable Parthian empire seemed to be crushed. These

[1] Before the end of 114 Trajan had been saluted imperator three times. Borghesi, *Opp.* v. p. 22.

[2] See Cohen, 324, for the medals 'Regna Assignata.' Dio Cass. 68, 19.

[3] Cohen, 329.

[4] Spart. *Hadr.*, 21.

[5] Dio Cass. 68, 19.

[6] Cohen, 391.

[7] Cohen, 97; *Parthia Capta.*

[8] Eutrop. viii 3.

conquests, however, had been too rapid to be secure, and Trajan, carried away by the flush of victory, instead of securing what he had won, was led away by vague dreams of rivalling Alexander, and sailed down with his fleet to the mouth of the Tigris;[1] and while courier after courier was announcing to the astonished senate successes over tribes till then unheard of,[2] the news reached Trajan, who was wintering at Babylon, that in Armenia, Eastern Mesopotamia, and Osrhoene there had been simultaneous risings, while farther away in Cyrene and Cyprus frightful atrocities were being perpetrated by the insurgent Jews. In Mesopotamia the rising, though not without obstinate resistance, was stamped down by Lusius Quietus, but Armenia was only won back by offering to one of the claimants to its throne, Parthamaspates, the Parthian kingdom instead. Then in a plain near Ctesiphon was seen the strange sight of a Parthian king receiving his crown from a Roman emperor. But in spite of the medals struck to commemorate the event,[3] and the explanations of the emperor, the step was a retreat, and implied the relinquishment of Assyria and the reconstitution of the Parthian empire. This was one of Trajan's last acts; disease began to show itself, possibly aggravated by anxiety and disappointment. The tide of success seemed to have turned. Hatra, an Arab stronghold in the desert, was able successfully to resist his attack, and broken down by illness he resigned the command of his projective expedition into Mesopotamia to Hadrian, and started himself for Italy. He, however, proceeded no farther than Selinus in Cilicia when, compelled to disembark, he died on 11th August 117 A.D. Trajan, though not free from the vices of his time,[4] on the whole seems to have deserved his cognomen 'optimus.' No act of cruelty is attributed to him, and the title of 'pater patriae' was in his case no unmeaning or unfitting term. His reign marks a change of spirit rather than of institutions; a benevolent despotism was substituted for a tyranny, but the radical defects of a centralised government in a heterogeneous empire were concealed, not removed. In his frontier wars the Augustan policy was for the first time essentially modified, perhaps not before it was time, but the

[1] Dio Cass. 68, 28-29.
[2] *Ib.* l c.
[3] Cohen, 328, *Rex Parthis datus.*
[4] Dio Cass. 68, 7.

result of his annexations would depend chiefly on the policy pursued by his successors. Genial and sympathetic, he shared the trials and dangers of his soldiers as readily as the social entertainments of the nobility, while without pretensions to the higher culture himself, he was a generous patron of literature. In his civil legislation the meagre information we possess shows the same benevolence and equity. The 'patria potestas' was modified,[1] the interests of minors were consulted,[2] exposed children cared for,[3] while the manumission of slaves was rendered more easy.[4] The spirit of his criminal legislation is summed up in the maxim that it is better for a guilty person to remain unpunished than for an innocent one to be condemned.[5]

Authorities.—The original authorities are exceptionally scanty. The abridgment of *Dio Cassius* by Xiphilinus (Book 68) is the most valuable, though its chronology is confused and the facts meagre. *Pliny's* 'Panegyric,' though no doubt exaggerated and needing qualification gives some valuable information with regard to the first three years of the reign. His letters contain numerous allusions, which are, however, frequently obscure, except where light is thrown upon them from other sources. *Eutropius* devotes a chapter of Book viii and *Aurelius Victor* two chapters (Caes. 13, Epit. 13) to the reign. For the Parthian wars these authorities are supplemented by *Joannes Malalas.*

The inscriptions and medals relating to Trajan's reign are fortunately very numerous. For the former see the *Corpus Inscriptionum Latinarum;* for the latter Eckhel, 'Doctrina Numorum Veterum,' and Cohen, 'Monnaies Impériales,' vol. ii. Among modern writers, J. Aug. Bach has collected all the passages in the Digest relating to Trajan, 'Divus Traianus sive de legibus Traiani imperatoris,' Leipsic, 1747; Marmest has written on the Dacian wars, 'Res Traiani imperatoris ad Danubium gestae,' 1793. Henri Francke's 'Zur Geschichte Trajans und seiner Zeitgenossen,' Güstrow, 1837, is now superseded by Dierauer's 'Beitrage zu einer Kritischen Geschichte Trajans,' Leipzic, 1868; and an essay by C. De la Berge 'Sur le règne

[1] *Dig.* xxxvii 12, 5.
[2] *Ib.* xxvii 1, 17, 6.
[3] Plin. *Ep. ad Trai.* 66.
[4] *Dig.* xl 5, 46, 7; lx 15, 51, 4-5.
[5] *Ib.* xlviii 19, 5.

de Trajan' in the 'Bibliothèque de l'école des Hautes Études.' Duruy in his 'Roman History,' vol. v., sums up all that is known of the reign, while Mommsen 'Hermes' iii pp. 31-140, has settled its chronology by proving from a comparison of various 'Militaria Diplomata' that the second tribunicial power commenced on 1st January 98 A.D.[1] Mommsen's index to Keil's edition of Pliny's 'Letters' gives all the information possible about the personages mentioned in the 'Letters.'

LIFE OF PLINY

It will be convenient to prefix to the account of Pliny's life the two most important of the four inscriptions which relate to him:—

(1)[2]

C. PLINIo l. f.
oVF. CAEC ilio
SECVNDO cOS
AVGVR . CVR . ALV . TIB
et ripa R ET CLOAC.VRB
praef aER SAT PRAEF
AER. MIL pr. tr. pl. Q.IMP
SEVIR. EQ. R. TR. MiL
LEG iii. GALL. X. VIRO
STL.IVD .FL .DIVI.T.AVG
VERCELLENS

(2)[3]

C . PLINIVS . L . F.OVF . CAECILIVSsecundus cos
AVGVR . LEGAT . PROPR . PROVINCIAE PONti et Bithyniae
CONSVLARI . POTESTAt.IN.EAM.PROVINCIAM.Ex s. c. missus ab
IMP . CAESAR . NERVA . TRAIANO . AVG. GERMANico dacico p. p.
CVRATOR . ALVEI . TIbERIS . ET . RIPARVM . Et cloacar. urb.
PRAEF . AERARI SATVrNI.PRAEF. AERARI. MILit. pr. trib. pl.
QVAESTOR . IMP. SEVIR . EQVITVM romanorum
TRIB . MILIT . LEGiii GAL:LICAe xvir. stli

TIB . IVDICAND . THERMas ex iis ..... ADIECTIS IN
ORNATVM HS CCC .....et eo ampLIVS . IN . TVTELAm
HS CC.T.F.I. item in alimenta LIBERTOR.SVORVM.HOMIN.C.
HS.|XVIII| LXVI DCLXVI REIp. legavit quorum incREMENT.POSTEA.AD. EPVLVM.
plEB.VRBAN.VOLVIT.PERTINere ...... item vivuS.DEDIT.IN.ALIMENT.PVEROR.
ET.PVELLAR.PLEB.VRBAN.HSd item bybliothecam et IN . TVTELAM . BYBLIOTHE
CAE . HS . C

[1] Subsequently, in the *Staatsrecht*, ii. p. 776, he has modified this view, and now holds that Nerva had the trib. pot. iii and Trajan the trib. pot. ii on December 10, 97. Both dates suit the inscriptions equally.

[2] Gruter, p. 4545; Wilmann, 11 and 2.

[3] Orelli, 1172. Wilmann, 1162, *b*.

Pliny was in all probability the second son of L. Caecilius Cilo, who belonged to the municipal nobility of the little town of Comum, in Italia Transpadana, where he had been 'IIII vir aedilicia potestate.' The son's name seems to have been P. Caecilius Secundus.[1] The date of his birth was 61 or 62 A.D., since, at the time of the destruction of Pompeii (79 A.D.) he was eighteen.[2] Of the early years of his boyhood and youth we know little, but he was almost certainly brought up at Comum, which he always spoke of as his patria,[3] and in which he continued all his life to take a real and kindly interest.[4] His father's family, the Caecilii, had certainly been settled at Comum for several generations, as we know on the testimony of Catullus;[5] while his mother's family, the Plinii, also came from the same place,[6] and had some hereditary property in the neighbourhood.[7] As Pliny says himself,[8] Transpadane Italy still retained much of the temperance, frugality, and simplicity of earlier times, and it is impossible to doubt that to his bringing up and early surroundings and associations much of the charm of Pliny's character must be ascribed. His family on both sides was well off, and had been distinguished for its public spirit and liberality;[9] while, as Pliny says[10] that he should pass on 'non subitas imagines' to any children that he might have, we may infer, perhaps, that his father was of equestrian, if not senatorial, rank. There was no school at Comum in Pliny's boyhood,[11] but no doubt good teachers were procured, and at any rate Pliny wrote a Greek tragedy at the age of fourteen.[12] His father died while he was still a boy, and Pliny was put under the guardianship of Verginius Rufus, who showed him all the affection of a father, and whom Pliny in his turn regarded with the utmost veneration and admiration.[13] The esteem in which the family was held is shown by the fact that the municipality of Tifernum Tiberinum made Pliny its 'patronus' while still hardly more than a boy.[14] With a

[1] For the names both of father and son, see Gruter, p. 376, 5 , and Momms. *Hermes*, iii (in Morel's transl., p. 32).

[2] *Ep.* vi 20, 5.

[3] iv 30, 1; vii 32, 1; vi 24, 2.

[4] i 3, 1; ii 24, 2; vii 11, 5.

[5] Cat. 35: 'Poetae tenero, meo sodali, Velim Caecilio, papyre, dicas, Veronam veniat, Novi relinquens Comi moenia.'

[6] Suet. *Vit. Plin.*, and several inscriptions.

[7] vii 11, 5.

[8] i 14, 4.

[9] i 8, 5.

[10] viii 10, 3.

[11] iv 13, 5.

[12] vii 4, 2.

[13] ii 1, 8.

[14] iv 1, 4.

guardian so influential as Verginius Rufus, and possessed of so much hereditary wealth and local prestige, the young Pliny was naturally marked out for a more than municipal career, and he was accordingly sent to Rome to finish his education. There he attended the lectures of Nicetes Sacerdos, a celebrated rhetorician from Smyrna,[1] and also of the still more famous Quintilian,[2] who was appointed to a chair of rhetoric in Rome by Vespasian. But the zeal and enthusiasm for study which was so marked a feature in Pliny, as we know him in his maturity, was doubtless derived to a great extent from his intercourse with his maternal uncle, C. Plinius Secundus, who after having passed through several grades of the equestrian career,[3] had since the last years of Nero's reign devoted himself mainly to a life of study. In 79 A.D., however, he was praefect of the fleet at Misenum,[4] and Pliny and his mother were staying with him there in August of that year at the time when the eruption of Vesuvius took place. An interesting account of that event, and of the death of his uncle, which was caused by it, is given by Pliny to Tacitus.[5] From this time Pliny appears under the name by which he is generally known. By his uncle's will he was adopted as his son,[6] and therefore became a member of the Plinian gens. Under the strict usages of the republic he would have become C. Plinius C. F. Secundus Caecilianus, but under the empire testamentary adoption was little more than the bequeathing of property under condition of a change of name, and accordingly we find that his official title was C. Plinius L. F. Caecilius Secundus.[7] Pliny was now eighteen years of age, and we find him within a year making his *début* as a pleader before the centumviral court in the Basilica Iulia.[8] This court continued to be his special arena,[9] and though in later life he practised there less frequently, he had not entirely given it up when the last book of his *Letters* was published. It was soon after this, but probably not until Domitian was emperor,[10] that Pliny married his first wife,[11] while about the same time he achieved his first signal success in the centumviral court.[12] In 81 or 82 A.D.

[1] vi 6, 3; and Tac. *Dial.* c. 15.
[2] vi 6, 3; i 14, 9.
[3] Suet. *Vit. Plin.*; *Ep.* iii 5, 17.
[4] vi 16, 4.
[5] vi 16 and 20.
[6] v 8, 5.
[7] See inscription, p. 16.
[8] v 8, 8.
[9] vi 12, 2.
[10] *Ad Trai.* 2, 2.
[11] i 18, 3.
[12] i 18, 4.

Pliny's official career seems to have begun, and he was appointed by the senate, into which, if he was not of senatorial rank before, he must have been previously promoted by the emperor,[1] one of the 'decemviri stlitibus iudicandis,'[2] one of the minor magistracies (vigintiviratus) regularly held before the quaestorship, and which under the empire had the presidency, under superintendence of a praetor, of the centumviral court.[3] How long this office was held is uncertain, but Pliny's next step in the senatorial career was the military tribuneship. He was appointed, no doubt by the emperor, to the Legio III Gallica, which at that time and for many years previously was posted in Syria.[4] It is possible that Pliny's was the mere 'semestris militia';[5] certain that at any rate he was one of the 'tribuni honores petituri,'[6] without any view to military promotion, and he seems to have been employed in a non-military capacity in auditing the accounts of some of the auxiliary forces,[7] while he found time and opportunity in Syria to cultivate the friendship of Euphrates[8] and Artemidorus,[9] two of the philosophers banished from Rome by Vespasian. Pliny probably returned from Syria about 83 or 84 A.D., when he was appointed 'Sevir Equitum Romanorum,' a position which probably involved no real duties, and the next office he would look forward to would be the quaestorship, but this he could not hold till his twenty-fifth year,[10] and as the competition for this office was usually severe, it was perhaps only exceptional for it to be held so soon. Pliny was probably quaestor from 1st July 89 to 30th June 90 A.D., and a proof that he at that time enjoyed the emperor's favour is the fact that he was 'quaestor Caesaris,'[11] *i.e.*, he was subordinated not to any of the proconsuls of the senatorial provinces, but to the proconsular power of the emperor himself, who employed his quaestors, among other duties, to read to the senate any message or speech which he wished not to deliver in person.[12] These quaestors were no doubt always 'candidati Caesaris.' The next office which Pliny held was that of 'tribunus plebis.' Between this and the

[1] Momms. *Staatsrecht*, ii p. 886 note 3.
[2] See inscription.
[3] Suet. *Aug.* 36; Plin. *Ep.* v 9, 2.
[4] i 10, 2; iii 11, 5; vii 31, 2; viii 14, 7; *ad Trai.* 87.
[5] Juv. vii 89; Plin. *Ep.* iv 4, 2.
[6] vi 31, 4.
[7] vii 31, 2.
[8] i 10, 2.
[9] iii 11, 5.
[10] *Dig.* 36, 1, 14.
[11] vii 16, 2, and inscription.
[12] *Dig.* i 13, 1, 2; Spart. *Hadr.* 3.

quaestorship a clear year had, by the 'lex annalis,' to intervene, unless by a special indulgence of the emperor. This Pliny did not receive,[1] and as the tribunes entered on their office on 10th December, Pliny would be tribune from 10th December 91 A.D. to 9th December 92 A.D. The tribunes at this period had little real power. It was 'inanis umbra et sine honore nomen,' but Pliny professed to look upon it as still the 'sacrosancta potestas,' and accordingly abstained during his year from pleading in the courts, since a pleader had often to submit to treatment which was not becoming to a tribune.[2] The legal interval before the praetorship was remitted by the emperor,[3] and as the praetors entered on their office on 1st January, Pliny would be praetor for the year 93 A.D. It is indeed the date of Pliny's praetorship which gives the key to that of the previous offices. Pliny says himself that he was praetor at the time when Domitian expelled the philosophers from Rome,[4] and when Senecio, Rusticus, and Helvidius were killed. These events certainly took place shortly after the death of Agricola in August 93 A.D.,[5] and therefore Pliny's praetorship must have been in 93 or 94 A.D. Like that of Agricola,[6] it seems to have been quiet and uneventful,[7] though of course he had to provide the 'ludi Circenses.'[8] So far up to the age of thirty-two or thirty-three the career of Pliny had been successful and rapid. Much of this success, no doubt, was due to the support and influence of Verginius Rufus, who, as Pliny tells us himself,[9] always supported him in his candidature for office, even coming up to Rome from his retirement in the country for that purpose. But it was not entirely to the support either of Verginius or of his other friends that Pliny's success is to be ascribed. He was clearly regarded, and with justice, as one of the most promising of the rising generation, and he fortunately had the means and position to use all his opportunities to the utmost. But the last three years of Domitian's rule were a veritable reign of terror for the senatorial order, and Pliny's position was not altogether unaffected by it. During his praetorship he had for the first time taken part in a political trial before the senate,

[1] vii 16, 2.
[2] i 23; *Panegyr.* 95.
[3] vii 18, 2.
[4] iii 11, 2.
[5] Tac. *Agric.* 45.
[6] Tac. *Agric.* 6.
[7] *Panegyr.* 95.
[8] vii 11, 4; Juv. x 36 *seq.*
[9] ii 1, 8.

having in conjunction with Herennius Senecio undertaken the cause of the province of Baetica against its proconsul Baebius Massa. The accusation was successful, but Herennius was accused of 'impietas' for his conduct of the case,[1] and his subsequent execution, together with the death or banishment of several more of his friends, were, as Pliny says,[2] like so many thunderbolts falling round him, which left him singed, if not injured; while in another letter[3] he speaks of his oratorical studies as having been a cause of danger as well as of promotion. It must not, however, be forgotten, that in these and similar passages[4] written under Trajan, Pliny would have every motive to forget the favours shown him by Domitian; and when he says in the *Panegyric*,[5] 'cursu quodam provectus ab illo insidiosissimo principe, antequam profiteretur odium bonorum, postquam professus est, substiti,' we must remember that at least as late as 94 or 95 A.D., *i.e.* in the middle of the reign of terror, he was appointed by Domitian 'praefectus aerarii militaris.'[6] Some of his apprehensions, therefore, we may not unfairly suppose, were put on, that his position might not seem different from that of the other senators. However that may be, with the death of Domitian an obstacle to the progress of Pliny's career was removed. But he had several losses to deplore among his own circle. His wife, probably his second wife, the daughter of Pompeia Celerina, died about this time.[7] His friend and adviser, Corellius Rufus, having lived to see the dawn of brighter times, put an end to his own life;[8] while, greatest loss of all, the venerable Verginius Rufus died in the beginning of 97 A.D.[9] With the accession of Nerva liberty, or at any rate as much of it as the high-sounding 'libertas' implied, was restored,[10] and a reaction set in against the creatures of the *régime* that had passed away. In this reaction Pliny played his part. Publicius Certus had had some share in the death of Helvidius, and Pliny, 'in the first days of recovered liberty,' took the opportunity of attacking him in the senate.[11] That body, however, was timorous and uncertain of

[1] vii 33, 7.
[2] iii 11, 3.
[3] iv 24, 4.
[4] viii 14, 9.
[5] *Panegyr.* 95.
[6] The office was held by praetorii for three years, and as Pliny was made 'praefectus aerarii Saturni' in 98 A.D., he would not have been appointed to the earlier office later than 95 A.D.
[7] ix 13, 4.
[8] i 12, 12.
[9] ii 1.
[10] Tac. *Agric.* 3.
[11] ix 13, 2.

its position, and Pliny had the remonstrances of his friends and the opposition of the consuls to contend with. However, he persisted in his intention, and at least with so much negative success, that Certus was disappointed of the consulship to which he had apparently been designated, and died, as Pliny persuaded himself, not long after, from the results of his disappointment and terror.[1] It was under Nerva that Pliny began the publication, continued during the first half of Trajan's reign, of a selection of his correspondence with his friends.[2] In the last days of the reign he was appointed by Nerva 'praefectus aerarii Saturni,'[3] with his friend Tertullus Cornutus for his colleague. It was not usual for the same person to hold the praefecture of both treasuries in succession, but it is possible that Pliny's management of the first recommended him, even contrary to custom, for the second. To the duties of this new office Pliny devoted himself during the first years of Trajan, renouncing all his usual practice in the centumviral court;[4] and when, towards the close of 99 A.D., the proconsuls of Africa begged the senate to appoint Pliny their advocate against Marius Priscus, he desired at first to be excused, and it was only after much persuasion that he consented, and even then conditionally upon the emperor's approval, to undertake the case.[5] The trial took place in January 100 A.D., under the presidency of Trajan, who was consul, and ended in the condemnation of Marius.[6] But before this result,[7] Pliny and his colleague in the aerarium, Tertullus Cornutus, were designated by Trajan to a still higher honour, that of the consulship, which they were to hold for the two months of September and October. The duties of the consulship were mostly nominal, and neither Pliny nor his colleague were compelled to lay down their post at the treasury.[8] It fell to Pliny's lot, perhaps as the senior consul of the two, to move a vote of thanks to the

[1] ix 13, 24.

[2] Momms. *Hermes*, iii, assigns Book I. to this reign.

[3] That he was appointed by Nerva appears from *ad Trai.* 3 (see note *ad loc.*); that it was between 9th January (the day on which the 'consules designati' were appointed) and 27th January (the day of Nerva's death) appears from *Panegyr.* 91, 'nondum biennium conpleveramus in officio laboriosissimo et maximo, cum tu (Trajan) consulatum obtulisti.'

[4] *Ad Trai.* 3, a. 1.

[5] *Ib.* 3, a. 3.

[6] ii 11. For an account of the trial see pp. 43, 44.

[7] Mommsen (*Hermes*, iii, Appendix D) has shown that the 'consules suffecti' for the year were appointed on 9th January; hence Tertullus at the trial of Marius is already 'consul designatus,' ii 11, 19.

[8] *Panegyr.* 92: 'nobis praefectis aerario consulatum antequam successorem dedisti.'

emperor on the first day of their appointment.[1] This address was made by Pliny the occasion of an elaborate panegyric, in which the various measures of the first three years of Trajan's reign are described and eulogised, not without frequent references by way of contrast to the *régime* of Domitian. This oration was afterwards still further elaborated by its author, and after being recited to his friends during no less than three days,[2] was published, and it is the only example of Pliny's speeches which we now possess. It is by no means without historical value, though it does not give us a very favourable view of Pliny as an orator. Somewhere about this time Pliny married his third wife, Calpurnia,[3] the grand-daughter of Calpurnius Fabatus, who was a fellow-townsman of Pliny,[4] and a man of some influence and wealth at Comum.[5] Pliny's desire for children[6] was destined to be again disappointed, but he obtained as a special favour from Trajan the 'ius trium liberorum.'[7] A three years' tenure of the praefecture of the treasury would have ended at the close of 100 A.D., but, perhaps owing to his efficient discharge of its duties, Pliny was continued in it at least for another year. In August of 101 we find him begging for leave of absence to run down to his estate at Tifernum, and it was while he was absent there that the envoys from the province of Baetica begged him to undertake their cause against Classicus.[8] As in the case of Marius, Pliny was again reluctant, but he was again induced to undertake the case, partly from the consideration that as Classicus was dead, his action involved no danger to a senator, and also, as this was the third occasion on which he had prosecuted a provincial governor, he would find it more easy to refuse such requests for the future. The trial was a long and somewhat intricate one, and though Classicus himself had escaped condemnation by death, several of his subordinates and accomplices were brought to justice.[9] It was not long after this, probably in 103 or 104 A.D., that Pliny received at the hands of Trajan

[1] iii 13, 1.
[2] iii 18, 5.
[3] viii 10.
[4] vii 32; vii 16; vii 23.
[5] v 11.
[6] viii 10, 3.
[7] *Ad Trai.* 2.
[8] iii 4, 2; *ad Trai.* 8, 3. This could not have been in 100 A.D., because in September of that year Pliny was consul, nor could it have been 99 A.D., for we know that Classicus was proconsul of Baetica while Marius was in Africa, iii 9, 3; and it is expressly stated that the death of Classicus caused the trial to be postponed for some time, iii 9, 6.
[9] iii 9.

an augurship vacant on the death of Iulius Frontinus.[1] This was an honour which Pliny had long hoped for, and both Verginius Rufus,[2] and after his death Frontinus,[3] had regularly placed him among the nominees for the next vacancy. On being released from his duties at the aerarium, Pliny returned to a certain extent to his practice before the centumviri,[4] though he pleaded less frequently, and evidently contemplated complete retirement at some future time.[5] He also acted not unfrequently [6] as assessor, either to the court of the 'praefectus urbi,' [7] or to the emperor himself,[8] who on one occasion sent for him to his villa at Centumcellae.[9] The last official duties which Pliny undertook at Rome were those of 'curator alvei Tiberis et riparum et cloacarum urbis,' [10] in which office he was considered to be a colleague once more of his old friend Cornutus, who was at the same time 'curator Aemiliae viae.' [11] As we have seen, Pliny had made up his mind never again to face the odium of prosecuting a provincial governor, but his position, as one of the first pleaders of his day, would hardly permit him to stand aside from these important political trials altogether, and accordingly we find him in the next few years engaged in two cases of the sort, though in both of them on the side of the defence. Both these trials had reference to Bithynia. The first, that of Iulius Bassus, was probably in 104 A.D., the other, that of Varenus Rufus, in 106. Both cases seem to have been difficult and complicated, and Pliny did his work thoroughly. In fact, we cannot help suspecting that he threw his whole ability into the cause of his fellow-senators if not with greater thoroughness, at least with greater willingness, than he had shown in behalf of the proconsuls of Africa and Baetica against their governors. Pliny's conduct of these cases probably had an important effect upon his own career. The trials served not only to give him a very extensive and accurate acquaintance with the affairs of Bithynia, but they also convinced the emperor that some thorough reorganisation was needed in that province, and accordingly, some four or five years later, probably in 111 A.D., he appointed Pliny to the

[1] iv 8, 1; *ad Trai.* 13.
[2] ii 1, 8.
[3] iv 8, 5.
[4] iv 16, 1; VI. 23.
[5] ii 14, 14; vi. 2, 7.
[6] vi 2, 7.
[7] vi 11, 1.
[8] iv 22, 1; vi 22, 2.
[9] vi 31, 1.
[10] See inscription.
[11] v 14, 1.

post of imperial legate of the province, with general instructions to remedy whatever abuses he might discover, and with a special mandate strictly to overhaul the financial affairs of the several communities. How Pliny acquitted himself in this post, and what the various difficulties and questions were which he had to confront, will be seen best from his correspondence with Trajan contained in this volume. How long the appointment lasted we have no certain means of knowing, but as the correspondence breaks off somewhat abruptly, and as we have no traces of Pliny subsequent to it, we may perhaps infer that it was terminated by his premature death. That he died previous to 115 A.D. is rendered almost certain from the fact that in the great inscription put up after his death, Trajan has not got the official title either of 'optimus' or 'Parthicus.'

Such was the public life of Pliny as we can glean it from his letters, and as we see it summed up in the inscription. For anything like statesmanship under the empire there was no real room, and even that scope for administrative ability, which some of the governorships of the large imperial provinces must have offered, was never presented to Pliny, for the peculiar circumstances of Bithynia, never a very important province, compelled him at every step to refer apparently simple and ordinary questions to the emperor. But if Pliny was neither a statesman nor an administrator, he was a very favourable type of the cultivated Roman gentleman, interested in all the literary and social topics of the day, and with perhaps a more than average capacity for the routine duties of an ordinary senatorial career. In distinction from his uncle, he is usually known as Pliny the Consul, but the Pliny whom we know from his letters is much more the generous friend, the enthusiastic man of letters, the amiable patron, and the liberal philanthropist. It has often been noticed with what different eyes Pliny and Juvenal, who were nearly contemporaries, looked upon the social features of their day. This is not, however, altogether wonderful when we contrast their circumstances in life. Both came from Italian municipalities, but while Juvenal was the son of a freedman, had his own way to make at Rome, and was to some extent a disappointed man, Pliny had every advantage on his side. He had, as we have seen, property left him both from his father's and mother's family, adjoining the 'lacus Larius,' in the neigh-

bourhood of his native place Comum.[1] His mother's property had suffered to some extent from agricultural depression;[2] but still Northern Italy was less liable to this than Latium or Campania, and if these had been his only estates, with the two villas he called 'Tragedy' and 'Comedy' on the borders of the lake,[3] he would probably have seemed to Juvenal or Martial a man to be envied. But he had another large estate in Etruria near the town of Tifernum Tiberinum,[4] which, as he himself tells Trajan,[5] brought in an annual revenue of 400,000 sesterces, while he had a splendid suburban villa at Laurentum,[6] seventeen miles from Rome, and others at Tusculum,[7] Tibur, and Praeneste.[8] Still, though rich, Pliny was no millionaire. His property was mostly in land,[9] and the severe agricultural depression of the time,[10] heightened by bad seasons and poor vintages,[11] made a certain amount of economy and management necessary,[12] especially as his official dignity had to be kept up, and the claims of friendship and public munificence were never disregarded. However, he thinks it by no means impossible to raise, with a little help from his mother-in-law, the sum of three million sesterces for the purchase of an estate adjoining his own.[13] His liberality, both public and private, was unwearied. At one time he gives a fellow-townsman 300,000 sesterces to make up the equestrian census;[14] at another he contributed 100,000 towards the wedding-dower of a friend's daughter;[15] at another he helped Artemidorus the philosopher to satisfy his clamorous debtors.[16] The poet Martial received some help towards his journey home to Spain.[17] Quintilian was presented by his old pupil with a sum of 50,000 sesterces for his daughter's dower,[18] while an old nurse was settled comfortably on a little farm which Pliny bought for her.[19] If acts like these prove a kindly and generous feeling for friends, Pliny's public acts of liberality are a striking proof, not only of patriotism, but of an interest in the spread of education and culture which, in spite

[1] ii 15; iv 6; vi 11, 5; ix 7, 2.
[2] ii 15.
[3] ix 7, 2.
[4] iii 4; iv 6; v 6, 1; ix 45, 1.
[5] *Ad Trai.* 8, 5.
[6] ii 17; iv 6.
[7] iv 13, 1.
[8] v 6, 45.
[9] iii 19, 8.
[10] ii 4, 3.
[11] ix 20, 1; ix 37; viii 15.
[12] ii 4, 3.
[13] iii 19, 8.
[14] i 19, 2.
[15] ii 4, 2.
[16] iii 11, 2.
[17] iii 21, 2.
[18] vi 32.
[19] vi 3, 1.

of the literary dilettanteism of the time, was probably not too common. There was no school at Comum, and boys, in consequence, had to be sent to Mediolanum. To remedy this defect, Pliny offered himself to pay one-third of the salary required for a competent teacher, and would have defrayed the whole expense but for a conviction that the parents ought not to be relieved of all responsibility.[1] Besides this, we know from a letter to Calvisius Rufus[2] that Pliny had contributed to the needs of his native town no less than 1,600,000 sesterces. Of these, 500,000 were for the maintenance of a number of plebeian boys and girls,[3] which, in order to make the bequest a secure one, Pliny handed over to the municipal authorities, in the form of a mortgage on one of his estates, amounting to an annual payment of 30,000 sesterces.[4] Another not less important boon conferred on the town was a public library,[5] which Pliny built at an expense of 1,000,000 sesterces, and maintained in working order with the interest on 100,000 more.[6] At Tifernum again, of which Pliny had been from a boy the patronus, he built and dedicated a temple[7] adorned with statues of the emperors, including Nerva and Trajan,[8] while on another of his estates he rebuilt a dilapidated temple of Ceres, added two colonnades and a new statue of the goddess in marble to replace the old image of wood.[9] Finally, by his will, Pliny left a sum of money for the construction of some thermae at Comum, as well as for their suitable adornment and maintenance, and also a sum of 1,866,666 sesterces for the maintenance of a hundred of his freedmen, after whose decease the money was to be used for a public banquet to the people.[10] But it was not only with his purse that Pliny helped his friends. His influence was always at their service. For some he obtained the 'latus clavus';[11] for others the 'ius trium liberorum,'[12] or a military tribuneship,[13] or the post of centurion.[14] For his friend Sura he sought to obtain the praetorship from Trajan;[15] and in fact he was always ready to canvass for his friends, and always

[1] iv 13, 5.
[2] v 7.
[3] See inscription, and i 8, 10.
[4] vii 18, 2.
[5] i 8, 2.
[6] See inscription.
[7] iii 2, 2; iv 1, 5.
[8] *Ad Trai.* 8, 2.
[9] ix 39, 4.
[10] See inscription.
[11] ii 9, 2; *ad Trai.* 4.
[12] ii 13, 8; *ad Trai.* 94.
[13] iv 4, 2; iii 8; vii 22, 1.
[14] vi 25, 3.
[15] *Ad Trai.* 12.

generous in encouraging, helping, and praising young pleaders in the centumviral court.[1]

Pliny was essentially a man of many friends. To those of a past generation like Verginius Rufus,[2] or Corellius,[3] or Spurinna,[4] he displays both reverence and affection; his fellow-townsmen Voconius Romanus, Calvisius Rufus, Caninius Rufus, and others have always certain claims on his regard; while old colleagues like Cornutus Tertullus and Calaestrius Tiro are always spoken of with affection and respect. With the philosophers, Musonius, Euphrates, and Artemidorus, Pliny associated as much as his official duties would allow. Herennius Senecio, Arulenus Rusticus, Iunius Mauricus, and Helvidius Priscus, were all joined to him by bonds of friendship more or less close. Martial found in him a kinder patron perhaps than those on whom he bestows his sometimes fulsome flattery, while between Pliny and Tacitus there seems to have been a friendship especially close, and on the side of the former, at least, an outspoken and generous admiration. Nothing, indeed, is more amiable than Pliny's unstinted praises of his friends. He was blamed for it by some, but, as he says,[5] the error, if error it was, was a happy one. If Pliny was not unwilling that his friends should make the same mistake with regard to himself, that by no means implies that his admiration was less than sincere. Nor amid these literary friendships were his domestic duties overlooked. Between him and his young wife, Calpurnia, there was a tender and even a romantic affection;[6] he was always thoughtful and considerate towards his slaves and freedmen,[7] and in spite of the allurements of city life, he was never so happy as when he could get away and rusticate in one of his many villas. Pliny's life was in almost every respect a happy one: he was exactly suited to his environment. A dabbler in philosophy, he had no convictions which could have drawn upon him the fate of Thrasea, or Helvidius, or Rusticus; an upholder of senatorial dignity, he had no fruitless longings for a political liberty and independence which might add to that dignity a more than nominal power, and pure and humane as his private life undoubtedly was, he had no objection to a little harmless

[1] vi 12; vi 23.
[2] ii 1.
[3] i 12, 12; iv 17, 6.
[4] iii 10.
[5] vii 28.
[6] iv 19; vi 4; vi 7.
[7] i 4, 4; v 19, 1; viii 18.

licentiousness in poetry, nor to the cruelties of gladiatorial spectacles. He lived a cheerful, genial, social life in Rome, was never bored by the recitations of his friends, or, at any rate, he was too polite to say so, and if he needed any revenge, he was quite content to take it by giving still longer recitations of his own. As he grew older, no doubt his life would more and more have approximated to that of his friend Spurinna. Hunting and poetry, ornamental letter-writing, and farm supervision would, by turns, have occupied him. That he was prematurely snatched away from a life which suited him so well, and which he enjoyed so thoroughly, almost causes a feeling of personal regret, and the fact that in all probability the correspondence with Trajan belongs to the period immediately before his death, and that either the climate of Bithynia or the worries of his position proved too much for his delicate constitution may perhaps add an element of human interest to the somewhat dry and official nature of what Pliny would perhaps himself have called 'inlitteratissimae litterae.'[1] All the facts relating to Pliny's life are collected and arranged chronolgically, year by year, in Masson's *C. Plinii Secundi Vita* (1709), while much fresh light on various vexed questions both of chronology and constitutional usage is added by Mommsen's admirable article in *Hermes*, vol. iii.

THE IMPERIAL SUPERVISION OF THE PROVINCES

Probably the darkest side in the republican government of Rome was its provincial administration. Without attempting to give illustrations here of the various acts of oppression, extortion, and cruelty with which the speeches of Cicero, and especially the Verrine orations, are full, it will suffice to say that the condition of the provinces was reduced to the very lowest ebb. They were regarded merely as 'praedia populi Romani' (Cic. *in Verr.* ii 2, 3, 7); the senate had little or no check upon the governors, and the governors had every motive to make what they could out of an opportunity which

[1] i 10, 9.

rarely came twice in a lifetime. Thus the system was bad positively as well as negatively; bad in giving the freest opportunity for all the excuses and contrivances of oppression in the invention of which Verres was only a member, perhaps a representative, of a class; bad also in providing no adequate remedy, no certain punishment, and the smallest sense of responsibility to a central power. On the one side were the provincial governors, men often of little experience, military or political, with the provincials practically at their feet. With them was a numerous retinue of staff-officers and others who had come out from Rome, all eager to profit by their appointment to the utmost. In the province they found the publicani whose contract with the government gave them a locus standi which had to be respected, while their influence at home and in the iudicia was a motive for winking at their peculiar methods of fulfilling the contract. Lastly, scattered in the provincial towns were the negotiatores, necessary both to governor and publicani, and in some ways a greater burden perhaps to the provincials than either. The governor on arriving at his province was probably burdened with debt; he would hardly have obtained the praetorship without the disbursement of considerable sums in bribery, while the expenses of the gladiatorial games, for which he had to spend a large sum of his own, would have drained his resources still further. To pay off these debts and to lay by a competence for the future was too often the one aim with which he entered on his provincial administration, and what he did had to be done quickly, for his term of office was usually only one year. It is perhaps no wonder that, with the exception of the older Cato in Sardinia, it is hard to find a single instance of firmness against temptation so strong and a system so corrupt. For those even who were content to put aside their own interests might find in their friends, as Cicero found in Brutus, insuperable obstacles in the way of strict and impartial justice.

At home no doubt, theoretically, there was a central authority to which governors were responsible, and before which complaints might be laid, while there was a certain amount of public opinion, unfortunately not enough organised to do much good, in favour of establishing checks and bringing about improvement. The provincials might always accuse a

governor before the senate, but there were so many difficulties, so many hindrances, and so uncertain a prospect of success that they may well have hesitated, as Juvenal says, 'post omnia perdere naulum.' For at the outset they would have to appeal to the patroni of the province, before they could have any locus standi at all, and these patroni, senators themselves, and perhaps expectant governors, were often reluctant to give their assistance. Even if they did, or if the province found, as Sicily did in Cicero, some one else willing to undertake their cause, there was still unlimited bribery to contend with, an unfriendly tribunal to be looked for, and difficulties of every kind thrown in their way, sometimes even by the successor of the prosecuted governor, who might, if he chose, prevent or delay the provincial legates and witnesses, whose presence the case demanded at Rome.

Still, some nominal check there was, and the public opinion on the subject to a certain extent was a growing one. Previous to 149 B.C. complaints were either heard by the senate itself (Livy, 26, 25; 38, 24; 38,43); or handed over to the consuls, and a commission (Livy, 29, 16; 39, 3; 43, 2); or even sent before the comitia tributa (Livy, 29, 16; 43, 8). In that year, however, an attempt was made at a more definite procedure by the lex Calpurnia, which established the first of the quaestiones perpetuae, viz. that 'de pecuniis repetundis' (Cic. *pro Cluent.* 53; *de Off.* ii 21; Brut. 27; Tac. *Ann.* xv 20). By this law the various offences which it was designed to check were enumerated (Cic. *de Leg.* iii 20). An initial appeal to the senate was rendered unnecessary, and the procedure before the senatorial iudices presided over by the praetor peregrinus was fixed. This law was for the protection of peregrini, *i.e.* provincials only, as Cicero expressly states (Div. 5): 'quasi vero dubium sit quia tota lex de pecuniis repetundis sociorum causa constituta sit' (conf. *Verr.* ii 6). The punishment, however, was apparently at present only pecuniary, and consisted in simple reimbursement, and the trial was therefore merely recuperatorial. This law was followed, modified, or supplemented by others, such as the lex Servilia, 106 B.C., the lex Acilia, 101 B.C., and the lex Cornelia, 81 B.C. By the lex Servilia, of which the lex Acilia seems to have been a mere repetition, all magistrates and even equites might be accused.

The patroni were appointed by the praetor, but provincials might now conduct their own case. Reimbursement was made double, and probably exile inflicted in more serious cases (Cic. *de Or.* ii 147). By the lex Cornelia of Sulla, exile was certainly established as a punishment (Cic. *Verr.* ii 31); quadruple reimbursement was introduced, and probably a mild form of infamia. The question unfortunately came to be mixed up with the party struggle between the optimates and populares, and equestrian iudices were substituted for senatorial, and senatorial for equestrian, with very little advantage to the provincials. But still a certain advance was made, though much yet remained to be improved. The provincial governors were still masters through the iudicia of the property of the provincials. They could exact illegal taxes, and enforce contributions in the form of money, corn, or ships, while their opportunities of private plunder were innumerable. The Sicilians put their claim to reimbursement against Verres at forty million sesterces. That the laws were not wholly dead letters is shown by such trials under the lex Calpurnia as those of M. Aquilius, App. *Bell. Civ.* i 22; Scaevola Cic. *de Or.* i 17; Papirius Carbo, Cic. *ad Div.* ix 21, and T. Albucius, Suet. *Caes.* 55;—and under the lex Cornelia, those of Cn. Cornelius Dolabella, Cic. *Act.* i 4; Terentius Varro, Cic. *Div.* 8, *pro Cluent.* 47; Verres Cic. *passim;* Aurelius Cotta, Dio Cass. 36, 23; Catiline, Sall. *Cat.* 18; Cic. *ad Att.* i 2; M. Aemilius Scaurus, Cic. *pro Scaur.*; C. Rabirius Postumus, Cic. *pro Rabir.*

A distinctly fresh step and a very important one, though the republican government can hardly be credited with it, was the lex Iulia of 59 B.C., which, the Digest says:—'ad eas pecunias pertinet quas quis in magistratu, potestate, legatione, vel quo alio officio, munere, ministerio ve publico cepit vel cum ex cohorte eius eorum est.' By this law all oppression of provincials in its widest extent was made a punishable offence, illegal taxes (Cic. *in Pis.* 37), arbitrary tolls, excessive demands for the support of soldiers or staff-officers were forbidden; all presents except within strictly defined limits were prohibited, and an end was put to the selling of privileges and immunities either to individuals or states (Cic. *in Pis.* 35), while the governor's accounts had to be audited after the expiration of his term (Cic. *ad Att.* vi 7). Pecuniary reimbursement was still

to be quadruple, and besides banishment for serious cases, intestabilitas and expulsion from the senate were apparently ipso facto the consequences of conviction. This, as we should expect from its author Iulius Caesar, was a far more thorough-going measure than the preceding laws, and in spite of its author, Cicero's admiration of it is unqualified (Cic. *pro Sest.* 64; *in Pis.* 12). But, as has been hinted, the lex Iulia was an imperial more than a republican measure, and throughout all the early empire it remained the basis of the procedure taken in cases affecting the provincial governors. Far more important, however, than any change in the mere letter of the law was the change of spirit and intention which the Augustan system introduced into the provinces (Suet. *Aug.* 59; Dio Cass. 51, 20), 'the periphery' of the empire to which its centre of gravity was destined gradually to shift from Rome the capital. The policy of Augustus, which he consistently maintained throughout his reign, may be summed up in the words, 'pax Romana'—peace and security on the frontiers, undisturbed recuperation and development within. How zealously he strove to improve the condition of the provinces is shown by the eleven years which he spent away from Italy, not often at the head of his armies, for that task he left to Agrippa and Tiberius, but in the work of organisation and the removal of abuses. In Bithynia alone, a comparatively unimportant province, we find in Pliny's letters mention of at least two edicts of Augustus, and we cannot doubt that in other provinces as well his attention and care were similarly displayed. But the provincial administration could not depend on the personal presence of the emperor, which was of course mainly required at Rome. What was wanted was reduction to a system in the first instance, and the means of checking and regulating the system afterwards. Accordingly, one of the first things which occupied Augustus after Actium was the regulation of the provinces and their distribution between himself and the senate. The settled and peaceful provinces, usually well inside the frontiers, where Romanisation had already made some advance, and where the presence of legions was not necessary, were assigned to senatorial administration. The other provinces, whether on important frontiers or newly acquired, or needing for any reason a permanent army, he reserved for his

own regulation; while again a third class of smaller districts he either left to client-kings, or if this laxer bond was tightened by a regular provincial organisation, assigned to the charge of his own procurators. Within this general scheme the details of rank and privilege, of duty and responsibility, of subordinate and co-ordinate power, were carefully defined, as carefully and thoroughly in their way as the much more complex system of Diocletian was three hundred years later.

In theory all provincial rule depended in the last resort on the senate, for it was involved in the proconsular imperium which the senate alone could confer. But this imperium was conferred once for all, and with no restriction of place, on the emperor, who thus had all the provinces potentially under his direct control. In practice, however, by the arrangement of 27 B.C., the senate was allowed to confer the proconsular power, though strictly limited, in time and place, on the governors of those provinces which were assigned to their administration. Hence the governors of all senatorial provinces were proconsuls. They were not subordinated to any higher executive authority, theoretically not even to the emperor, whose proconsular imperium was constitutionally co-ordinate with theirs. They were equally proconsuls, whether it was Sardinia or Corsica which they governed, or large and important provinces like Asia or Africa. In either case they were appointed by the senate and by lot, and held office for a single year only. For two provinces only, Asia and Africa, was full consular rank a necessity, and the proconsuls of those provinces were dignified with twelve fasces. The other provinces were held by men of praetorian rank, who only were entitled to six fasces. There was no incapacity in the senatorial proconsuls to command an army, and in certain cases they might have legionary troops, as, *e.g.* till the time of Caligula, the proconsul of Africa actually had. But in the military command the principle of co-ordination was under the empire unknown. Everything depended on the emperor's will, and practically the proconsuls and the senatorial provinces had no troops except occasional 'vexillationes' from the legions and auxiliaries. Even in the matter of the military levy, or conscription which, during the first century, was conducted for

the legions in the senatorial provinces, the proconsul would only act on a direct mandate from the emperor.

As holders of supreme, *i.e.* undelegated authority, the proconsuls were privileged to appoint legati as deputies, mandatories, or delegates of their power. Of these, consular proconsuls could appoint three, the others only one each. These assisted the proconsul in his various duties, and in case of his absence or death represented him in the province. To mark their delegated power and their subordination to the proconsul, these officers were pro praetore, and as they were appointed by the proconsul they were in full 'legati proconsulis pro praetore.' Besides these legati, who were responsible at first to the proconsul only, but whose responsibility to the senate as well was established at a later time (Plin. *Ep.* iv 9 and vi 29), the proconsul had under him a quaestor appointed by the senate to manage all the financial relations between the province and the aerarium, which were thus taken out of the governor's hand, while his own personal staff or 'cohors,' consisting of personal friends or protegés, were employed in various more undefined duties, but all responsible finally to the senate. Financial matters being not within the proconsul's functions, and military power being rarely allowed him, his duties were mainly administrative and judicial. The former were perhaps by their nature vague both in their extent and in their limitations, the latter necessarily depended much on the circumstances of the province. In theory all the civitates liberae and foederatae were extra provinciam, in the province but not of it, privileged to use their own laws and constitutions; practically, as Mommsen points out in the case of Greece, all these high-sounding titles and privileges were entirely precarious and might be annulled by a stroke of the proconsul's pen. In judicial matters civil jurisdiction was perhaps the most prominent of the proconsul's duties. The province was divided into conventus, and in passing from one to another of these the proconsul and his legates spent most of their year of office (*Dig.* i 16, 5). From the legates there was an appeal to the proconsul, but from the latter, except for Roman citizens, there was no further appeal, and his decisions were final. In criminal matters ordinary cases were tried before the municipal magistrates, but important cases came before the proconsul, who, except in the case of

Roman citizens, possessed the power of life and death. For his use of this power, however, he was liable to be accused, as, *e.g.* Volesus Messalla, proconsul of Asia, was in the time of Augustus (Tac. *Ann.* iii 68, and Sen. *de Ira.* ii 5). Naturally, as the Roman franchise was extended, the criminal jurisdiction of the provincial governors assumed continually narrower proportions. Generally speaking, the senatorial provinces, being only indirectly under the emperor's eye, were administered with comparative laxity. Flagrant abuses no doubt were quite exceptional, but the annual change of governors, the appointment by lot, senatorial *laissez-faire*, rendered impossible the experience, the special fitness, and the alertness which mark the imperial governors. We find in Bithynia, which is only a type of the class, embarrassed finances, misapplication of revenue, jobbery in public buildings, ill-regulated collegia, and a general want of enterprise, while to transfer a province from the senate to the emperor was considered a sufficient answer to complaints of debt and distress.

In contrast with the senatorial provinces, those reserved for the emperor were subject directly to his proconsular imperium. This however he delegated to governors chosen by himself, and holding office during his pleasure. For the most important provinces he would usually choose consulares, for the others praetorii, but this was at first at any rate entirely within his own competence in each case, and made no difference in their official titles or dignity. For whether consular or praetorian, they were merely the mandatories of an executive power higher than their own. They were therefore 'legati,' and as subject to and not possessing proconsular power they could only be propraetore, while, as chosen by the emperor himself, they were legati Augusti pro praetore. This inferior dignity, however, marked by their having five fasces only, was more than compensated by their greater actual powers, especially in military matters. A legate to Britain or Upper or Lower Germany or Syria might have as many as four legions, with a corresponding number of auxiliary troops under his command. As legati or deputies, however, they could not appoint legati under themselves, and the legati legionum, or in later times the legati iuridici, who assisted them in matters military and judicial, were appointed like themselves by the emperor. An en-

tirely independent authority in the imperial provinces, within a certain limited department, was the procurator, who had the sole charge of the financial affairs of the province—of everything in fact which related to the fiscus. Procuratores there were in the senatorial provinces to look after the interest of the fiscus there, and the emperor's private affairs, and in the *Digest*, i 18, 9 the proconsul is specially warned to keep clear of all fiscal matters; but it is in the imperial provinces that the procurator holds a really important post. To the native Britons the legatus and the procurator seem like two kings—the one with power over their lives, the other over their properties (Tac. *Agric.* 15). Too often the legate and the procurator were on unfriendly terms. Nero had to send Polyclitus to compose a quarrel in Britain between Suetonius Paulinus and the procurator Classicianus, while it is mentioned of Agricola as something noteworthy that he had no such quarrel. It was not even unknown for the emperor to use the procurator as an instrument against and a spy upon the doings of the legate (Suet. *Galb.* 9). That the imperial provinces were well administered there can be little doubt. On not more than two or three occasions shall we find any of the imperial legates accused by the provincials, and though from their position at the head of considerable armies, they might at exceptional crises be the cause of civil war, in ordinary times and under efficient emperors this was a danger which in the first two centuries need hardly be taken into account.

As we should expect, the provinces welcomed this change of system (Tac. *Ann.* i 2, 'Neque provinciae illum rerum statum abnuebant'), in which both the motives and to some extent the opportunities of wrong-doing were taken away. A fixed salary was now given to all provincial governors (Dio Cass. 53, 15; 52, 23; Tac. *Agric.* 42; *Ann.* xv 19) sufficient to make provincial posts desirable apart from any opportunity of illicit gain, while, as an additional safeguard, it was made the rule in the second century that no one should be the governor of the province in which he had been born (Dio Cass. 71, 31), or, as is at any rate true at the end of the first century, in which he had served as military tribune. It must be added that the personal supervision of the emperor was immensely facilitated by the systematic construction of roads

which began with Augustus, and also by the postal system which he instituted along them. By these means, as we find in Pliny's correspondence with Trajan, the smallest details might, if it was considered advisable, be laid before the emperor for his decision.

Only second in importance to this preventive organisation of the provinces were the remedial measures for instances of power abused which might from time to time occur. The cases of Licinius in Gaul (Dio Cass. 54, 21) and Lollius in Armenia (Vell. Paterc. ii 101) speedily proved that some such remedies must be kept in reserve. In the provinces new facilities of communication with the emperor were afforded by the establishment of the provincial synods, or 'consilia,' or '*κοινά*,' which met annually for religious celebrations at the altar of Rome and Augustus. In these not only might votes of thanks be passed to deserving governors (Tac. *Ann.* xv 20; Plin. *Panegyr.* 70), like the laudations of republican days (Cic. *Verr.* ii 5, 26; iv 9, 63; *pro Flacc.* 15; *ad Div.* iii 8), a practice only temporarily forbidden by Nero (*Ann.* xv 21), but accusations might be formulated and legates appointed to conduct them on behalf of the provinces at Rome.

The procedure in such cases was based, as has been already stated, on the lex Iulia de repetundis of 59 B.C. But the offences included under repetundae received throughout the empire a very considerable extension. The charge henceforth, instead of relating solely, or even primarily, to monetary matters, was a general accusation, 'male administratae provinciae' (Tac. *Ann.* vi 29), and included cruelty and oppression of every kind. The quaestio de repetundis, though not formally abolished, was practically no longer able to cope with the complexity which charges of repetundae now often assumed; for it was the essential principle of the quaestiones that each should deal with its own special offence, whether de vi, or de veneficiis, or de ambitu, or whatever it was. At first Augustus seems to have constituted a special commission of consulars to try charges against provincial governors (Suet. *Aug.* 73), 'et provincialium (appellationes delegabat) consularibus viris quos singulos cujusque provinciae negotiis praeposuit'; but if the passage is to be so explained, this plan was soon given up, and the senate, or strictly speaking, the consuls presiding over the senators as iudices, became the usual tribunal before which

such cases were tried. As Mommsen has pointed out (*Staatsrecht*, ii 112) the senatorial tribunal tried various and miscellaneous charges, and criminals of every rank and order, but still it was more especially a court for political or official offenders of senatorial rank. Charges against provincial governors might be made by a province as a whole represented by its consilium (Plin. *Ep.* iii 9, 4) by separate communities in a province (*id. ib.*) by individual provincials or by some subordinate official or the governor himself (Tac. *Ann.* xii 59). In any case the accuser had to come before the consuls in the first instance with his accusation to demand that it might be heard (Tac. *Ann.* ii 28; xiii 44). This occasioned a preliminary hearing, as the result of which the senate either decided to try the charge itself in the Curia, in which case the consul would preside, and the rule of procedure would be the same as in the quaestiones (Plin. *Ep.* iii 11), or if it was a mere case for pecuniary reimbursement, the senate might, if it chose, pass it over to the quaestio de repetundis or iudices (Plin. *Ep.* iii 11; iv 9), or recuperatores (Tac. *Ann.* i 74; Suet. *Dom.* 8), or if the case seemed too complex or too invidious, they might request the emperor himself to undertake it; this, however, was seldom or never granted, though the emperor might preside as consul in the senatorial court. He occasionally also by his tribunician veto either prevented a trial from taking place (Tac. *Ann.* iii 70), or hindered the execution of the punishment pronounced (Tac. *Ann.* xiv 48). If the senate undertook the hearing of the case, it designated members of its own body both to accuse and to defend, drawing lots apparently among a certain number of names in each case. If, however, the provincials wished for any particular advocate, their wishes appear to have been for the most part consulted (Plin. *Ep.* iii 4, 3), while provincial advocates took part in the trial along with the senatorial pleaders. A certain advantage was conceded to the accuser by making the attendance of his witnesses compulsory, while the defendant had to secure the presence of his as he could. Conviction under the charge of repetundae always and necessarily involved partial infamia, *i.e.* expulsion from the senate and loss of official dignity.

This was ipso facto involved in the preliminary decision of the senate that the case should be handed over to the

iudices. In addition to this common penalty for all convictions, there might be a pecuniary reimbursement, viz. the quadruple amount of the money wrongfully exacted, while in more serious cases the various grades of banishment might be inflicted either 'in tempus' or 'in perpetuum,' not even stopping short of deportatio with its complete infamia and confiscation of property.

But apart from any mitigation on the part of the emperor, the senate as a deliberative as well as a judicial body, was not strictly bound down to any hard-and-fast lines and gradations of punishment. In certain cases they could mitigate the penalty, in others they could intensify it (Plin. *Ep.* iv 9, 17), 'licet mitigare leges et intendere;' and we know several instances in which they availed themselves of this elasticity, not always perhaps in the interests of justice or equity.

Turning to our authorities we find that advantage was taken by the provinces with some frequency of this means of obtaining compensation for the oppression of bad or corrupt governors. That Tiberius continued in regard to the provinces, as in other matters, the policy laid down by Augustus, we know from several passages of Tacitus; he prevented new burdens, and provided against the avarice and cruelty of the magistrates (*Ann.* iv 6); he assisted particular states in cases of emergency by a temporary remission of tribute (*Ann.* iv 13, and ii 47), while there were in his reign eight cases of provincial governors being accused of mal-administration.

(1) Tac. *Ann.* i 74. Granius Marcellus, proconsul of Bithynia, was accused by his own quaestor both of maiestas and repetundae. Acquitted of the former charge, he was sent before recuperatores for the latter, and in consequence degraded.

(2) *Ann.* iii 38. Caesius Cordus, proconsul of Crete, was accused of repetundae by Ancharius Priscus, a delator, and condemned.

(3) *Ann.* iii 66. C. Silanus, proconsul of Asia, was accused by the provincials and condemned, and in gratitude for this 'decrevere Asiae urbes templum Tiberio.'

(4) *Ann.* iv 13. Vibius Serenus, proconsul of Hispania ulterior, was accused and condemned, 'de vi publica' and banished (deportatus) to the island of Amorgos.

(5) *Ann.* iv 15. Lucilius Capito, procurator of Asia, was accused by the province and condemned, the emperor asserting 'non se ius nisi in servitia et pecunias familiares dedisse.'

(6) *Ann.* iv 18. C. Silius, legatus Germaniae superioris, was accused by Seianus, mainly of maiestas, and promoting civil war, but a charge of repetundae was added, and the accused anticipated condemnation by suicide.

(7) *Ann.* iv 31. P. Suillius, formerly the quaestor of Germanicus, on being convicted 'pecuniam ob rem iudicandam cepisse' was 'relegatus in insulam.'

(8) *Ann.* vi 29. Pomponius Labeo, legatus Moesiae, was accused, 'male administratae provinciae,' and committed suicide.

Of these eight cases it will be observed that only two relate to imperial provinces; that all were convicted or anticipated conviction by suicide, and that the punishment ranges from a mere pecuniary reimbursement to actual deportatio.

Under Claudius, whose provincial administration apparently also followed the Augustan tradition, we have two cases only in Tacitus.

(1) *Ann.* xii 22. Cadius Rufus was accused by the Bithynians under the lex repetundarum, and condemned. That he was expelled from the senate we know definitely from the statement (*Hist.* i 77), that he was restored to it by Otho.

(2) *Ann.* xii 59. Statilius Taurus, proconsul of Africa, was accused by his legate Tarquitius Priscus, of repetundae, and committed suicide. This was, however, apparently not a bona fide accusation, but was due to the intrigues of Agrippina.

The first six years of Nero's reign were marked by an excellent provincial administration on the whole, though we have no fewer than eleven cases of repetundae in this time.

(1) *Ann.* xiii 30. Vipsanius Laenas, proconsul of Sardinia, was accused 'ob provinciam avare habitam' and condemned.

(2) *Ann.* xiii 30. Cestius Proculus, proconsul of Crete, was accused by the provincials of repetundae, but acquitted.

(3) *Ann.* xiii 33. P. Celer was accused by the province of Asia, and the emperor, unable to acquit, and yet unwilling to convict, postponed the matter indefinitely.

(4) *Ann.* xiii 33. Cossutianus Capito, legate of Cilicia, was accused by the provincials, and 'pervicaci accusatione conflictatus postremo defensionem omisit ac lege rep. damnatus est.

(5) *Ann.* xiii 33. Eprius Marcellus, legate of Lycia and Pamphilia, accused by the provincials, escaped by means of ambitus.

(6) *Ann.* xiii 43. P. Suillius, proconsul of Asia, was accused 'publicae pecuniae peculatus,' and banished to the Balearic Islands.

(7) *Ann.* xiii 52. Sulpicius Camerinus, proconsul of Africa, was accused by a few private individuals 'saevitiae magis quam captarum pecuniarum,' and acquitted.

(8) *Ann.* xiii 52. Pompeius Silvanus, proconsul of Africa, was accused by 'magna vis accusatorum,' and acquitted through his 'pecuniosa orbitas.'

(9) *Ann.* xiv 18. Pedius Blaesus, proconsul of Crete and Cyrene, was accused by the provincials of taking the treasure of Aesculapius, and a corrupt management of the levy; he was condemned and expelled from the senate.

(10) *Ann.* xiv 28. Vibius Secundus, procurator of Mauretania, was accused of repetundae by the provincials, and exiled from Italy.

(11) *Ann.* xiv 46. Tarquitius Priscus, proconsul of Bithynia, was accused by the provincials of repetundae, and condemned.

A noticeable fact about these cases is, that accusation by informers has now almost entirely given way to accusation by the provinces themselves. In seven cases this is definitely stated, and in two others is tolerably clear. Again we find only three cases relating to imperial provinces, and of these, one was merely procuratorial. It is noticeable, however, that in five cases out of eleven, a conviction was not secured, and

in three of them corrupt motives were the cause of the acquittal.

The Flavian dynasty found the empire disquieted and disorganised owing to the later years of Nero's insane *régime*, and they seem to have infused fresh life and vigour into the provincial system no less than into the internal administration. The conferment of the Latin franchise upon the Spanish provinces as well as the more frequent admission of provincials into the Roman senate, points to a liberal and judicious policy. Whether Vespasian had himself set an example of rectitude in his proconsulship of Africa is doubtful, since while Suetonius (*Vesp.* 4) affirms it, Tacitus (*Hist.* ii 97) as clearly denies it. Only one case of repetundae is recorded under Vespasian, in which Antonius Flamma, proconsul of Crete and Cyrene, was accused by the provincials of repetundae and saevitia, and condemned (*Hist.* iv 45).

Of Domitian, tyrant as he was in Rome in his later years, it is expressly recorded by Suetonius, that 'provinciarum praesidibus coercendis tantum curae adhibuit ut neque modestiores unquam neque iustiores exstiterint,' and this testimony is at least negatively confirmed by the fact that only one case of provincial accusation is known in his reign, viz. that of Baebius Massa, proconsul of Baetica, who was condemned and his property confiscated in 93 A.D. (Plin. *Ep.* vii 33), though the failure of Tacitus for this period to some extent weakens this evidence.

It is when we come to Trajan's reign that we really get most information concerning the trials for repetundae, since Pliny's letters admit us to a certain extent behind the scenes. Altogether there were four cases in the first seven or eight years of the reign, and in all of them Pliny was engaged. It is possible that during Nerva's weak reign, and Trajan's absence in Germany, the Flavian discipline might seem for a moment to be relaxed. At any rate, with the exception of two cases in Bithynia, which, as we know, was in a state of disorganisation, the other cases, viz. those of Marius and Classicus, occurred at the very beginning of Trajan's reign. Marius Priscus, proconsul of Africa, was accused by one community in the province, and a number of individuals (Plin. *Ep.* iii 9, 2). The provincials begged that Pliny might be their advocate (*ad Trai.* 3 a), and he,

though at first reluctant, consented to be nominated. When the preliminary hearing came before the senate, Marius pleaded guilty to the pecuniary offence, and claimed that the matter should be sent before the iudices. Pliny, however, and Tacitus, who acted with him, opposed this, because Marius was accused not only of extortion but of receiving money for the death of innocent persons, and this was beyond the jurisdiction of the quaestio. After some discussion it was decided that Marius should go before the iudices on the pecuniary charge, but that the more serious accusation should be tried by the senate. The trial came on in January 100 A.D., Trajan himself presiding as consul. The occasion was one of unusual importance; Pliny himself seems to have in some degree shared the feelings of sympathy and commiseration which the spectacle of Marius, already degraded from his senatorial and official dignity raised in his peers. The trial lasted for three days. Two alternative sentences were proposed (1) that 'septuaginta millia quae acceperat Marius aerario inferenda, Mario urbe Italiaque interdicendum'; (2) that 'septuaginta millia aerario inferenda; Marium repetundarum poenae quam iam passus esset relinquendum.' The former was carried, while Firminus, one of the legates of Marius, though not expelled from the senate, was precluded from holding any provincial governorship, a sentence which, as Pliny points out, was a compromise and inconsistent.

In the autumn of the next year, 101 A.D., Pliny was requested by 'legati provinciae Baeticae' to conduct their accusation against Caecilius Classicus, their late proconsul. Again Pliny hesitated, but again he finally acceded, principally for three reasons—(1) he felt bound to supplement his previous advocacy of the province against Baebius Massa; (2) Classicus was himself dead, 'amotumque erat quod in eiusmodi causis solet esse tristissimum, periculum senatoris'; (3) he would be able more easily for the future to excuse himself by compliance now. The conduct of the case throws much light on the motives and influences which usually decided such cases. Classicus had held his post in the same year in which Marius was in Africa, but his probably voluntary death had delayed the trial for nearly two years. He had behaved 'non minus violenter quam sordide,' and was accused by the whole province. A number of his 'socii ministrique' were included in

the accusation. These Pliny, and his colleague Albinus, decided to take separately, on the principle of the horse's tail. The case against Classicus himself was easily proved, since his own handwriting showed that he had made four million sesterces out of the province. It was decided 'bona Classici quae habuisset ante provinciam a reliquis separari, illa filiae, haec spoliatis relinqui.' With regard to his subordinates, the accusers had first to prove 'ut constaret ministerium crimen esse,' the plea of the accused being that as provincials they were bound to obey the proconsul. However, the point was made good, and two of them were 'in quinquennium relegati.' A few days later Cluvius Fuscus, son-in-law of Classicus, and Priscus, the tribune of a cohort, were tried; the former, probably owing to private influence, was acquitted, the latter banished for two years. In the third trial a number of minor offenders were tried together, of whom some were acquitted, some condemned, 'relegatis aliis in tempus, aliis in perpetuum.' In the latter part of the trial an incident occurred which showed the 'animus' of the senatorial iudices, and the danger to which the provincial legates were sometimes exposed. While Casta, the wife of Classicus, was being tried, one of the witnesses, probably suborned by the defendants, accused Norbanus, one of the legates, of praevaricatio with Casta. Legally this question should have been postponed till the original trial was decided, but personal feelings against Norbanus overruled constitutional rules, and he was tried then and there, not only on the charge of praevaricatio, but of other matters perfectly unconnected with the present trial. No formal copies of the accusations were shown him, and he was 'in insulam relegatus.' Casta, however, in spite of the presumed praevaricatio of her accuser, was somewhat inconsistently acquitted.

The next two cases were both connected with Bithynia, and in both Pliny defended the accused. Iulius Bassus, who for some reason had been 'relegated' by Domitian, was proconsul of Bithynia under Nerva, and on his return was accused by the province, which as usual sent legati to conduct its case, and among them one Theophanes 'fax accusationis et origo.' The trial took place in 103 or 104 A.D. What the other offences of Bassus may have been we have no means of knowing from the *ex parte* statement of Pliny (iii 9), but by his own confes-

sion, he had incautiously, as Pliny puts it, received presents from the provincials. This was forbidden by the lex Iulia, and not unnaturally hampered Pliny in his defence. There must, however, have been other accusations, for the trial lasted four days. At the end two sentences were proposed (1) lege repetundarum Bassum teneri; (2) salva dignitate iudices dandos. The latter, though, as it was pointed out, 'non congruens erat retinere in senatu cui iudices dederis,' was carried, since as we have already seen, it was within the power of the senate, 'et mitigare leges et intendere.' An attempt was made to get up an accusation against Theophanes for his conduct of the case; but this, though favoured by a majority of the senate, was not countenanced by the consuls. The virtual escape of Bassus was received with great acclamation; we know, however, from *ad Trai.* 56 that his acts in the province were rescinded.

Two or three years later, probably in 106 A.D., Varenus Rufus, whom the Bithynians had themselves chosen as one of their advocates against Bassus, was accused by the province for acts done in his subsequent proconsulship. The preliminary inquiry (Plin. *Ep.* v 20) raised a somewhat important question, for Varenus demanded that he might be allowed to compel the attendance of his witnesses equally with the accusers. This was no doubt equitable, but it was not 'lege constitutum,' and accordingly the granting of his request by the senate can only be ascribed to the partiality which too often marked senatorial justice. This, however, was an act too patent to be passed unnoticed. The question was brought up again without result in the next meeting of the senate by Licinius Nepos, and the Bithynians even appealed to the emperor. He, however, true to his policy of conciliation with the senate, refused to interfere. A new and unexpected aspect was given to the case before the day for the trial, for another legate arrived from the province bringing a 'decretum consilii,' by which the accusation against Varenus was dropped. What the cause of this sudden change was we can only guess. Senatorial influence may have been at work in the province, and pressure brought to bear on it. At any rate, the previous legati declined to give up the accusation, and Pliny on his side declined to defend one who apparently was not accused. The matter was brought before the emperor for his decision, not

however on the merits of the case, but on the question whether the trial should take place or not. He promised 'explorare provincialium voluntatem,' and there, as far as we know, the matter rested.

A consideration of these four cases leads us to the conclusion, to which the cases mentioned more shortly by Tacitus also point, that, if as a rule substantial justice was done, yet the senate was by no means an ideal tribunal, that its sympathies were usually on the side of the accused, and that the punishment inflicted on senatorial offenders was the minimum which any sense of decency and a regard to the emperor, in the background, would permit. Senatorial accusers, even the best of them, were reluctant to undertake the case of the provincials (Plin. i 7, 2; iii 4, 3, and 8: *ad Trai.* 3 a). If they undertook it, they were exposed to the secret prayers and the open resistance of the accused man's friends (iii 9, 25), to which, not unnaturally, they often yielded. To a still greater extent the provincial legati were exposed to these influences, and, as the case of Norbanus (iii 9, 24) and of Theophanes (iv 9, 20) show, even to greater dangers. Again, in its punishments, the senate was laudably severe to non-senators like Priscus and Martianus and Probus and Hispanus (iii 9, 14), but as lax as they dared to be towards Marius Priscus (cf. Juv. i 50, 'victrix provincia ploras') and the daughter and wife of Classicus (iii 19, 17) and Bassus.

It remains to notice that in certain cases neither the provincial organisation nor the responsibility of governors proved themselves adequate to the circumstances of a province, and in these cases we find that extraordinary missions were sent to restore order. A minor instance of the kind occurred under Nero, when Polyclitus was sent 'ad spectandum Britanniae statum,' and to compose the quarrel between Suetonius and his procurator, as well as, if possible, to put an end to the barbarian rebellion. The latter part of this mission not unnaturally failed. But it was under Trajan that this course was most frequently adopted. Messius Maximus was sent about 108 A.D. to Achaia, 'ad ordinandum statum liberarum civitatum' (Plin. *Ep.* viii 24). What the particular matters were which needed rectification in the province we do not know for certain, but we have sufficient evidence from various sources of

the anarchy, factions, and financial mismanagement of these so-called free and allied communities. Pliny, in his letter of advice to Maximus, calls the mission a legatio, and no doubt for the time Achaia was under him as legatus Caesaris, instead of under a proconsul. Another instance of the same sort is seen in Wilmann, 874, where we find that Avidius Nigrinus, described as 'legatus Augusti pro praetore,' settles a boundary dispute between the peoples of Anticyra and Delphi. From his title of legatus, we must assume that he was sent on a similar mission to that of Maximus. The next and a more important case is that of Bithynia, which under senatorial administration had already become disorganised. Its finances were in great disorder; it was apparently subject to turbulence and faction owing to the existence of unregulated collegia, and there seems to have been little supervision on the part of the municipal authorities over contracts and contractors of public works. Two long and complicated cases of repetundae within four or five years also point to the need for a decisive reform. The case of Varenus, it will be remembered, had ended in a promise, on the part of the emperor, 'explorare provincialium voluntatem.' Possibly in the fulfilment of this promise, Trajan may have found that the disorganisation was too deep and widespread to be remedied by any more trials under the lex repetundarum, and in choosing a special commissioner to carry out necessary reforms, no one would seem more fitted for the post than Pliny, who, though he had held no provincial governorship, had obtained a certain reputation from undertaking the cause of Africa and Baetica, and was, in particular, acquainted with Bithynian affairs from the part he had taken in the two recent trials. From the well-known inscription of Pliny (see p. 16), we know that his title was 'legatus pro praetore provinciae Ponti et Bithyniae consulari potestate ex senatus consulto missus ab imperatore Caesare Nerva Traiano,' etc. etc. Like Maximus and Nigrinus, therefore, he was 'legatus Augusti,' and therefore necessarily, as we have seen, pro praetore; but in order that he might not, by having only five fasces, seem to the provincials a less important personage than their ordinary proconsuls, the 'consularis potestas' was quite exceptionally added, which would give him the privilege of six fasces, while, to save the authority of the senate over its

own province, the mission imposed by Trajan was formally ratified by a senatus consultum. What sort of work it was that needed to be done in Bithynia, we know from the *Letters*. It is only necessary to repeat that, though we may learn from this correspondence the spirit which animated Trajan in provincial matters, we cannot infer that he was personally consulted to the same extent in the case of other provinces which were under their own normal *régime*. The necessary reforms in Bithynia were not completed by Pliny, for we find that his colleague in the consulship, C. Iulius Cornutus Tertullus, was still later in Trajan's reign (the emperor has the title Parthicus) sent to Bithynia also as 'legatus Augusti pro praetore' (Orell. 3659), while later still Tiberius Iulius Severus was sent there under Hadrian, with the title of διορθωτὴς καὶ λογιστής. These were the small beginnings of the tendency towards a central bureaucracy, which before long filled the provinces and Italy with imperial curatores and correctores, and at last culminated in the Diocletian system.

THE PROVINCE OF BITHYNIA AND PONTUS

Bithynia, the region between the rivers Rhyndacus and Sangarius, was left to the Roman people by the testament of Nicomedes III in 74 B.C., and at once reduced to the form of a province (Liv. *Ep.* 93; App. *Bell. Civ.* i 111). Nine years later, in 65 B.C., after the third Mithridatic war, Pompeius added to this the western portion of the kingdom of Pontus from Heraclea to the Halys (Liv. *Ep.* 102; *Strab.* 12, p. 544). Following the policy of the Romans, who in all these provinces aimed at making towns the units of administration, Pompeius divided the Roman portion of Pontus into eleven town communities, each with an extensive rural district, resembling in this respect the Gallic cantons. Among these were Heraclea, Tium, Amastris, Abonoteichos, Sinope, and Amisus. Bithynia was divided, according to Pliny (h. n. 5, 143), into twelve similar communities—Nicomedeia, Nicaea, Cius, Apamea, Tius, Prusias or Hyppias, Chalcedon, Claudiopolis, Crateia-Flaviopolis, Iuliopolis, and Dascylium. The two districts from the beginning formed one province, though they retained a certain

independence of administration. While Nicomedeia was the *μητρόπολις* of Bithynia, Amastris had the same title in Pontus, and in these two cities respectively met the consilia or *κοινά* of Bithynia and Pontus. The constitution of the whole province depended on the lex Pompeia, or the arrangement made by Pompeius in 65 B.C. The great majority of the towns were the ordinary, unprivileged 'civitates stipendiariae,' subject in all respects to the proconsul's interference. Of colonies in Trajan's time there were only two, Apamea (Plin. h. n. 5, 149; *ad Trai.* 47) and Sinope (Plin h. n. 6, 6), while there were two 'civitates liberae et foederatae,' Chalcedon (Plin. h. n. 5, 149), and Amisus (*ad Trai.* 92). It is noticeable that Byzantium, though on the European side of the Straits, belonged administratively to Bithynia.

Prior to the Augustan regulation of the provinces, Bithynia was governed by a propraetor, but after 27 B.C. it, as a senatorial province, was subject to a proconsul. Of its various proconsuls we know Granius Marcellus, under Tiberius (Tac. *Ann.* i 74); Cadius Rufus, under Claudius (*Ann.* xii 22); Tarquitius Priscus, under Nero (*Ann.* xiv 46); Appius Maximus, under Domitian (*ad Trai.* 58); Tullius Iustus, under Nerva (*ad Trai.* 58); Iulius Bassus, Varenus Rufus, and Servilius Calvus (*ad Trai.* 56), under Trajan. These proconsuls had of course their quaestors for the finances of the aerarium, and as praetorii, their one legatus. But as there were imperial domains in the province, and as such taxes as the 'vicesima hereditatum,' etc., went to the fiscus, there were even under the senatorial *régime* always imperial procurators (Henz. 5530, 6940; Tac. *Ann.* xii 21). The old inhabitants of Bithynia were of Thracian nationality, and previous to the Roman occupation, Greeks, though no doubt numerous in the country, had failed to spread Hellenistic civilisation to any great extent, nor were Greek towns, even on the coast, at all numerous. Indeed such towns as Sinope and Amisus, originally of Greek foundation, had lost some of their Greek character by becoming the royal residences of the Pontic kings. The native kings of Bithynia and Pontus, though not without Hellenistic culture, stood in this respect far behind the courts of Pergamus and Antioch, and up to the time of the empire the inland parts of the country were not only without much civilisation, but even without towns. After the Roman conquest both deficiencies

were soon supplied. Towns with Greek names and Greek constitutions arose, such as Pompeiopolis, Nicopolis, Megalopolis; native towns received Greek names, as Gordiu-kome that of Iuliopolis, Bithynium that of Claudiopolis, Krateia that of Flaviopolis, and as it was proved in Thrace proper, the substratum of Thracian nationality gave a favourable ground for Hellenistic culture to grow upon, and names like Cocceianus Dio of Prusa, Memnon of Heraclea, Arrian of Nicomedeia, and Dio Cassius of Nicaea prove that the province fairly held its own in literary studies.

PLINY AND THE CHRISTIANS

A clear understanding of the various questions raised by Pliny's letter and Trajan's rescript on the subject of the Christians in Bithynia, can only be gained by a retrospective glance at the relations which had existed between the Christians and the imperial government during the first century. This, however, is not altogether an easy task, because on the one hand the period covered by the author of the Acts of the Apostles does not extend beyond 62 or 63 A.D., during which time the points of contact between the new religion and the government were few and incidental, while on the other hand the contemporary Roman writers are for the same reason entirely silent about the Christians, who are not mentioned at all before the first or second decade of the second century, and even then we are not sure how far Tacitus and Suetonius in relating the events of Nero's reign are speaking of the Christians from the point of view of their own time. However, from the Acts of the Apostles several points are quite clear. Not only did Christianity emerge from Judaism in the first instance, but the first and indeed the only condition of its extension beyond its original birthplace was the widespread dispersion of the Jewish nation. Not without reason Josephus asserted that there was no people in the earth where Jews were not found (*Bell. Iud.* 2, 16, 4), and on the very first occasion on which the new religion was preached, it was to an audience of 'devout Jews from every nation under heaven' (Acts ii 5-11). It is perfectly true that under the influence of Paul one of the two parties into which Christianity was soon divided set them-

selves free from the strict Jewish exclusiveness of the other, and that Paul was in fact as well as in name the Apostle of the Gentiles, but in all his missionary journeys, wherever he went, there was a Jewish community to which he appealed first with greater or less success (Acts xxvi 17), and it was certainly over this Jewish substratum that the Gentile converts were clustered, the monotheism they accepted was Jewish monotheism, and the sacred writings they adopted were the Jewish books of the Old Testament. No doubt the spirit and essence of Christianity differed from that of Judaism, that while the one had the potentiality of becoming a universal religion, the other could never emerge far beyond the limits of its own nationality, but this difference except in a few of the Christian leaders was below the surface. It was not altogether the higher features of Christianity which attracted its numerous converts whether Jew or Gentile. It was rather its tendency to level differences of property and distinctions of social rank, the hopes it held out of a coming Saviour, and the idea of a future beyond the grave in which compensation was to be hoped for the inequalities of the present. To the Roman proconsuls, legates, and procurators, whenever their attention was turned on the Christians at all, they seemed to be merely a Jewish sect or heresy. Just as Pilate never comprehended, nor really cared to comprehend, why the Jews wished to 'crucify their king,' so neither did a Gallio or a Felix care to understand disputes which seemed to relate merely to questions of Jewish law.

At first therefore there seems to be no doubt that to the Roman government Christianity was merely a Jewish sect, and shared the same treatment which was accorded to the Jews. But up to the end of Nero's reign the Jews enjoyed, as far as their religion was concerned, an almost complete toleration. Judaism, though not without zeal for proselytism, was an exclusive but not an aggressive religion. In Rome there was already at the beginning of the empire a considerable number of Jews, living together chiefly in the Transtiberine quarter. As many as 8000 of them escorted an embassy sent to Rome by Herod to Augustus. Socially no doubt the Jews were at a disadvantage; they belonged to the lowest classes; they were regarded as gloomy, sullen, haters of their kind;

their peculiar observances were freely ridiculed, while their occasional outbreaks of fanatical intolerance were now and again punished by expulsion from the city, which, however, was, and was probably intended to be, only temporary. But the close connection of the client-kings of Judaea with the imperial family ensured the Jews against any more real or systematic persecution than the occasional Jew-baitings which we hear of from time to time in the great cities. Even conversions to Judaism, especially among the lower orders and women, were by no means unheard of (cf. especially Hor. *Sat.* i 4, 143; and Juv. xiv 97), and there is nothing to show that up to the time of Domitian these conversions were in any way interfered with. Christianity, therefore, we may fairly say, was not only assisted in its extension by the widespread dispersion of the Jews throughout the Roman empire, but it also profited, and at a very important time, by the toleration which Judaism received from the government. To persecution it was no doubt subject, but it was Jewish persecution and not Roman (cf. 1 Thessal. ii 15). Indeed, on more than one occasion the Christians were saved from the violence of the Jews by Roman protection. It is possible that a disputed passage in Suetonius (*Claud.* 25), may be explained in this way, 'Iudaeos impulsore Chresto assidue tumultuantes Roma expulit.' The Jews raising constant tumults against the Christians were expelled from Rome by Claudius. It seems quite possible that the words 'impulsore Chresto' are merely an inaccuracy of Suetonius, who knew that the tumult was concerned with Christus, and inferred that he was its promoter. That there were Christians in Rome at the date of Paul's Epistle, 58 A.D., is certain; that they belonged almost exclusively to the class of libertini and were of Jewish or Greek origin, is equally clear from the salutations in the last chapter. They could not, however, have been very numerous, for they were allowed without interference to meet Paul on his arrival at Appii Forum, while the practice of their religion was clearly subject to no restriction, since for two whole years Paul 'received all that went in unto him, preaching the kingdom of God, and teaching the things concerning the Lord Jesus Christ with all boldness, none forbidding him.'

Up to this date, 62 and 63 A.D., all seems clear and con-

sistent. The Christians, regarded as a sect of the Jews, receive as such complete toleration both in the provinces and in Rome. Their converts, many or few, and probably they were still comparatively few, are mostly Jews or Greek freedmen, while though in the East they were described half in mockery as Christiani, there is no evidence that they were known by this name to the Roman government at all. Indeed, the silence of Seneca, the elder Pliny, and Josephus makes it extremely unlikely. But after the great fire at Rome, not more than three or four years at most after Paul had been allowed freely to preach his doctrine, the position of the Roman Christians was, if we are to believe Tacitus and Suetonius, completely changed. According to the former (*Ann.* xv 44) Nero, for the sake of averting suspicion from himself 'subdidit reos et quaesitissimis poenis adfecit, quos per flagitia invisos vulgus Christianos appellabat. Auctor nominis eius Christus, Tiberio imperitante, per procuratorem Pontium Pilatum, supplicio adfectus erat; repressaque in praesens exitiabilis superstitio rursum erumpebat, non modo per Iudaeam, originem eius mali, sed per urbem etiam, quo cuncta undique atrocia, aut pudenda, confluunt celebranturque. Igitur primum correpti, qui fatebantur, deinde indicio eorum multitudo ingens, haud perinde in crimine incendii, quam odio humani generis convicti sunt. Et pereuntibus addita ludibria, ut, ferarum tergis contecti laniatu canum interirent, aut crucibus affixi, aut flammati, atque ubi defecisset dies in usum nocturni luminis urerentur.'

Suetonius (*Nero*, 16) says more briefly 'afflicti suppliciis Christiani, genus hominum superstitionis novae ac maleficae.' The questions raised by this account are (1) why should the Christians, who a few years before were regarded as a mere Jewish sect and as such tolerated in Rome, suddenly become the victims of a fierce persecution, and (2) how have the few converts so soon become an 'ingens multitudo'? That Christians were included among the victims of this cruelty is extremely probable, and was no doubt a tradition among the early church. But it is deserving of notice that Tacitus used of the Jews (*Hist.* v 5) language very similar to that in the passage quoted above 'adversus omnes alios hostile odium,' while Juvenal (xiv 100) brings against them a somewhat similar charge. At a crisis like that of the great fire, suspicion would naturally fall on the most fanatical party, and the Jews,

whose frequent tumults in Alexandria and Judaea would no doubt be known at Rome, and whose expulsion for riot under Claudius was still fresh in the memory, would not unnaturally, if suspicion was to be directed upon any sect or party, become the victims of it. Obviously the charge, against whomsoever it was made, was no result of religious intolerance; it was a definite charge, no doubt made at random, of incendiarism, and as definite proof was wanting, but victims were necessary, the matter degenerated into a mere repetition on a larger and fiercer scale of the Jew-baitings which had not been unknown under Tiberius and Caligula. Their punishment was due not to conviction of guilt but to the ill odour in which they stood and the evil reputation of misanthropy they had incurred. That in the Jew-baiting a number of Christians may have been included is probable in itself, and receives confirmation from the tradition of the early church, and it may have even been the case, as De Rossi and Merivale suggest, that the Jews took the opportunity of calumniating the Christians and so transferring much of the sudden odium from themselves to this hated sect. When Tacitus and Suetonius wrote, the name of Christians, though not their real character, had become better known, and accordingly they are mentioned as having been the objects of a persecution which in reality they only shared as connected with the fanatical Jews. That the persecution, if such a temporary and personal outbreak of cruelty can be so called, was extended to the provinces, there is not the smallest proof. It could only have been so extended if Nero had become convinced that there was grave political danger to be feared, and in this case much more would have been heard of the matter than the brief and casual mention of Tacitus.

But if the Neronian persecution does not make a distinct change in the position of Christianity, the result of the Jewish war did so in a marked degree and in more than one respect. Hitherto the Judaising party among the Christians, whether in a minority or not, had been sufficient to check the free growth of Christianity as a universal religion; with the destruction of the Temple this check was removed, and the emancipation of Christianity was complete. For its future development this event was of immense importance, but it involved several possibilities of danger which had not previously existed. In the first place, the bitter hatred which henceforth existed between Jews

and Christians was sure before long to reveal the latter to the Roman government as an independent body involving possibly greater political dangers than the sullen and obstinate fanaticism of the conquered Jews. That this danger would be increased by Jewish spite and malevolence was extremely probable, while the toleration hitherto enjoyed by the Christians must for the future, if granted at all, be granted independently of any supposed connection with the Jews, since Jewish toleration, instead of being a fixed maxim of Roman policy, was now precarious only and conditional upon the behaviour of the Jews themselves. Under Vespasian these dangers were not yet realised. Familiar with oriental superstitions, and inclined as all the Romans were to an indolent *laissez-faire* in religious matters, especially in the case of a newly-conquered enemy, he contented himself with exacting from the Jews the Temple tribute of two drachmae, while the Christians were still so far identified with the Jews that they apparently paid, and were possibly as a matter of policy content to pay, this tribute too. This at least seems on the whole to be the best way of interpreting the language in Suetonius (*Dom.* 12), 'praeter ceteros Iudaicus fiscus acerbissime actus est: ad quem deferebantur qui vel improfessi Iudaicam viverent vitam (*i.e.* Christians) vel dissimulata origine imposita genti tributa non pependissent.' This state of things seems to have continued till the last year of Domitian's reign, when, according to Lactantius, Eusebius, Melito, and other ecclesiastical writers, such as Zonaras, of a later date, there was a persecution of the Christians in Rome. Of this persecution, however, contemporary writers are completely silent, and even the Christian authors themselves know nothing of any details of the persecution and confine themselves to vague and general statements. In Dio Cassius alone, who, however, wrote more than a hundred years after the event, there is a passage which may possibly throw some light on what really took place. He says (67, 14) '*Κἀν τῷ αὐτῷ ἔτει ἄλλους τε πολλοὺς καὶ τὸν Φλάβιον Κλήμεντα ὑπατεύοντα, καίπερ ἀνέψιον ὄντα καὶ γυναῖκα καὶ αὐτὴν συγγενῆ ἑαυτοῦ Φλάβιαν Δομιτίλλαν ἔχοντα κατέσφαξεν ὁ Δομιτιανός· ἐπηνέχθη δὲ ἀμφοῖν ἔγκλημα ἀθεότητος ὑφ' ἧς καὶ ἄλλοι ἐς τὰ τῶν Ἰουδαίων ἤθη ἐξοκέλλοντες πολλοὶ κατεδικάσθησαν.*' And farther on he mentions that Acilius Glabrio was accused on the same charge, and also for fighting with wild beasts.

One of the results of the Jewish war could hardly fail to be increased watchfulness on the part of the Roman government against all violent, secret, or growing superstitions. The supremacy of the state religion would be more consciously asserted, and though the principle of toleration for Judaism was probably not directly modified, it would not unreasonably be limited to Judaism as a national religion, and would not be extended either to it or to any of its offshoots which gave symptoms of being cosmopolitan rather than national. But, along with this changing attitude of the Roman government, it is impossible to doubt that Christianity after the destruction of the Temple developed rapidly both in numbers and organisation. As to the provinces we have no information dating from Domitian's reign, and whether the Christians were then interfered with or not, we cannot tell. Under the lax *régime* of the senatorial provinces they may well have escaped notice, especially if they consented to pay the two drachmae tribute, while in the imperial province of Syria they may probably have still been undistinguished from the Jews. At Rome, too, as long as their converts belonged to the lower classes, as for the most part they certainly did, they might still escape notice, though they might share in the sentence of expulsion from Rome which Domitian on one occasion passed upon the Jews. But if any converts of rank or importance were made, the affair would become altogether different, the state religion would be encroached upon, and the converts, through their actual or inferred denial of the state deities, would be accused of impiety and atheism—charges which might easily be brought under that of maiestas. This is perhaps what took place at the end of Domitian's reign, at a time when there was still no clear distinction in Roman minds between the Jews and the Christians. The persecution, if such it was, would be no doubt to the Christian writers a Christian persecution. In the Greek text of the *Chronicles* of Eusebius, Clemens is distinctly claimed as a Christian martyr, while an elaborate legend grew up round the names of Nereus, and Achilleus, two freedmen of a younger Domitilla. On the other hand, amid the confused ideas of the time, Dio Cassius may well have followed some version which spoke of the victims as Jews, and not as Christians. In any case, no doubt when attention was once directed to the matter the numerous delatores of the time

would increase the number of the accused. Suetonius was himself present at the examination of an old man of ninety as to whose Jewish nationality doubts were felt. That there was persecution under Domitian, there is no doubt, but except in a few isolated cases its victims were neither Christians nor Jews but philosophers, such as Helvidius Priscus, Herennius Senecio, and Iunius Mauricus. If any Christians were put to death, it was not as Christians, but as converts from the state-religion to the vaguely-understood 'vita Iudaica.' That the action of the government was due more to a personal freak of Domitian's suspicious temper than to the apprehension of any political danger is shown by the fact that Nerva is expressly stated to have desisted from all such accusations of *ἀσέβεια* or Ἰουδαϊκὸς *βίος* (Dio Cass. 68, 1).

We now arrive at Trajan's reign, when Pliny's letter throws a strong light on the position of Christianity in one province of the empire, though it leaves the rest in a darkness little less complete than before. The letter, written probably at the end of 112 A.D., contains the following statements:—(1) Pliny had never been present at any trials of Christians, and did not know anything of the procedure and punishments in such cases, nor whether the mere profession of Christianity was in itself a punishable offence; (2) a number of persons were brought before him 'tamquam Christiani'; (3) to those he put the question three times whether they were Christians; (4) those who persisted he ordered to be executed, on the ground that whatever it was that they confessed, their disobedience and obstinacy at any rate deserved punishment; (5) this procedure increased the number of accusations; (6) an anonymous accusation was brought containing a large number of names; (7) all of those accused were ordered by Pliny to call upon the Roman gods, to adore the emperor's statue, and to blaspheme Christ; (8) some, affirming that they were not and never had been Christians, did this at once; (9) others did so, who had been Christians but renounced their belief; (10) some of these latter made a statement to Pliny, that the Christians met on a certain day before dawn, sang a hymn to Christ as God, and bound themselves by a common oath to abstain from theft, adultery, perjury, etc., and then later in the day met again for a common meal; even this, however, they had ceased to do in consequence of an edict

issued by Pliny forbidding 'hetaeriae'; (11) to test the truth of this statement, Pliny put two servants, or possibly deaconesses, to the torture, but discovered nothing beyond 'superstitio prava immodica'; (12) he consults Trajan, owing to the number of those accused; for (13) all ages, all ranks of society, town and country, are affected by the contagion; (14) the temples are almost deserted; but (15) his plan of allowing recantation to avert punishment has already begun to check the evil, and he sees reason to hope that crowds of men will abjure Christianity if the procedure is confirmed by Trajan.

Several of these statements raise questions which it is not altogether easy to answer, but the main difficulty is, that whereas at the end of Domitian's reign there is nothing to show either that the Christians were recognised as an independent sect, or regarded as dangerous to public order either in Rome or the provinces, we have here not only a recognition of their existence, but to a certain extent an understanding of their position; and yet Pliny has felt himself justified in executing men for no other reason than the refusal to deny their Christianity. The state of things which Pliny describes has not suddenly come about in Bithynia, for he talks of religious ceremonies which have long been neglected; but Pliny's method of dealing with them is not a continuation of any procedure taken by the proconsuls of the province, for the whole letter implies that the policy of interference is a new one. Nor is it possible to suppose that Trajan had issued a general edict against the Christians in accordance with which Pliny had acted, for such an edict would certainly have been mentioned in the letter, and indeed would have rendered much of it unnecessary. Again, when Pliny asserts that he had never been present at any Christian trials, does he imply that such trials had taken place, and, if so, when and where? If the view taken above of the events in Domitian's reign is a correct one, he cannot allude to any trials at Rome, for there no Christians had been tried as such, and in any case we cannot conceive that Pliny, who was interested in every detail of the law courts, should have remained ignorant of them and of their procedure if they had taken place. It seems to me that the solution of the whole question must be found in the position of the oriental provinces generally, and perhaps of Bithynia in particular, in

relation to the Christians. In all these provinces the Jewish population was very considerable, while it is easy to believe, even apart from the evidence of Pliny, that the Christians were also becoming numerous, and in view of the bitter hatred which existed between Jews and Christians since the Jewish war, it must have become impossible for the Roman governors any longer to confuse the two. But the Jews were probably still the most numerous, and as their religion was still tolerated, there seemed no reason for special measures against the Christians, and it would be deemed sufficient to check with a firm hand any riotous behaviour on the part of either. This, it is probable, was the state of things up to the end of Domitian's reign. The Christians, though increasing in number, were still mainly members of the lower classes, as is proved almost certainly from the fact that up to and beyond this period all the Christian bishops are shown by their names to be peregrini; but they were gradually being forced upon the attention of the provincial governors partly by their numbers, but much more so perhaps by the accusations which their Jewish enemies would make against them. That the scandalous stories commonly believed about the Christians were the result of Jewish information and Jewish malevolence is extremely probable; and both in the other oriental provinces and in Bithynia, where the Jews, even from the time of Cicero (*pro Flac.* cap. 28), had been exceptionally numerous, it is likely that Christians may for some years have been charged by the Jews, and occasionally brought before the tribunal of the governors, on some charge of impiety or sacrilege, or possibly even maiestas. It is to cognitiones of this sort before the provincial tribunals that I believe Pliny to refer when he states, 'cognitionibus de Christianis interfui nunquam.' Up to the date of his letter, however, they had not attracted much attention, nor had the real difference between Jews and Christians yet fully penetrated to Rome. But many things which had passed almost unnoticed under the lax *régime* of the senatorial proconsuls, at once would attract the attention of Pliny, and by him be brought under the notice of Trajan. Among other things the existence of collegia or sodalitates, always liable to abuse, had, in certain of the cities of Bithynia especially, led to factions and disturbances (*ad Trai.* 34). For this reason Trajan refuses even to allow

a fire-brigade to be formed at Nicomedeia ; and it appears, from Pliny's letter about the Christians, that a general edict had been issued forbidding in Bithynia hetaeriae of all sorts, 'post edictum meum quo secundum mandata tua hetaerias esse vetueram.' Viewed in the light of this edict, the charges brought before Pliny, as before previous proconsuls, against the Christians would assume a more important aspect. Inquiry would show that in many respects the organisation of the Christian congregation was similar to that of the various collegia, which, primarily intended as benefit societies or funeral clubs, each had, as the Christians also had, their common treasury, their common cult, and their fixed religious celebrations. Looked at as individuals charged with ill-will or disaffection to established usages and rites, the Christians might be regarded as misanthropes, as haters of the human race; they might even be suspected of various enormities at their secret meetings: but once regard these misanthropes as members of a body, and their corporate ill-will to the usages of the ruling people becomes no longer misanthropy, but conspiracy. This is what would strike Pliny more than anything else, when the ordinary accusations were brought before him. On the one hand were more or less trumpery charges brought against the Christians; on the other was the fact already placed before him, that the accused formed a society, and in some respects a secret society, described by a common name. Which was he to regard as the more important, the 'nomen' or the 'crimina nomini cohaerentia'? This question Pliny refers to the emperor, but meanwhile assumes, what indeed Trajan's rescript confirms, that it is the 'nomen,' the profession, the membership in the society, which is the serious charge; and as such membership, after the edict referred to, involved direct disobedience, as it further was accompanied by a refusal to worship the state gods, or to do homage to the emperor's statue, Pliny considered that, leaving out of account the details charged against them, he had no choice but to visit this obstinacy with the extreme penalty. He however punishes them not as members of a religious sect, but as members of a suspicious and at any rate forbidden association. It is clear that this severe course, necessary as it seemed to Pliny in the circumstances, did not quite commend itself to his humanity, because (1) certain inquiries which he

made into the doings of the association failed to bring home to the accused anything impious, immoral, or disloyal; and (2) the very numbers of the accused made a continuation of the same course almost impossible. The rescript of Trajan to a great extent relieved him from his difficulty. The emperor at once dismisses the charges of immorality, sacrilege, murder, and what-not made against them by their accusers, and therefore decides that Pliny need take no initiative in the matter (conquirendi non sunt); while the veto on anonymous accusations would no doubt immensely diminish the number of those put forward by spiteful and envious Jews. On the other hand, Trajan commends Pliny's past procedure, and distinctly lays it down that all who are charged by responsible accusers and proved to be Christians, on refusing to deny the name, and, as a test of bona fides, to worship the state gods, are to be executed. This, then, is the first distinct and legal ordinance made respecting the Christians. It amounts, there is no doubt, to an edict of proscription. The profession of Christianity, as such, if proved on satisfactory grounds, was a punishable offence. The effects, however, of this proscription were to a large extent modified by the fact that Christians were not to be searched out, and that anonymous accusations were forbidden. It is clear, on the one hand, that Trajan pays little regard to their religious opinions, since he is perfectly satisfied with a single instance of merely outward conformity, 'supplicando diis nostris;' while, on the other hand, it is impossible to suppose that he saw in the Christians a serious political danger, or he would surely have taken effectual means to extirpate the danger, instead of instructing Pliny to abstain from all initiative in the matter. Trajan was probably convinced, as apparently Pliny was, that the Christian society was perfectly harmless, but it was still none the less, or seemed to be, a collegium or hetaeria, and one which had never been licensed. On this ground it was impossible to recognise, and indeed necessary to proscribe it, though, so far as the government was concerned, the proscription might remain practically a dead letter unless the Christians themselves did anything to bring them under the head of latrones or sacrilegi, or unless bona fide accusations were brought against them. That the edict opened out the possibility of a legal persecution there is no doubt, for it was

quite within the competence of the governor to invite accusations though he could not initiate them. That it actually was followed by a persecution there is not the smallest proof, and apart from the question of the martyrdom of Ignatius under Trajan, which is full of inconsistencies and open to the greatest doubt, the only evidence for anything of the kind is to be found in Pliny's own statements of his measures prior to the emperor's edict. It is this double aspect of Trajan's rescript which, while it theoretically condemned the Christians, practically gave them a certain security, that explains the different views which have since been taken of it; but by most of the Church writers, and perhaps on the whole with justice, it has been regarded as favourable, and as rather discouraging persecution than legalising it.

With regard to the application of the edict, I think it is quite clear that it related not to the empire as a whole, but to Bithynia only. Trajan's own words, 'neque in universum aliquid . . . constitui potest,' partly imply this, but apart from this, without definite evidence, it would be quite inadmissible to suppose that a rescript given to a particular governor in answer to particular questions could be applied beyond the province about which it was written. That Tertullian and other ecclesiastical writers should attach as much importance to the correspondence as they do is natural enough. Trajan's rescript was called forth by a letter which might well seem an important and a valuable one to the whole Christian body, recognising as it does, not only the number of the sect, but its steadfastness under persecution, and above all its innocence and moral purity; and exaggerated views in consequence sprang up in early times, and have to a certain extent continued since, as to the real importance of the correspondence. Some confirmation of the view taken above, that Trajan's rescript is really little more than a supplement to his previous edict concerning the hetaeriae in Bithynia, and really did not touch Christianity as a religion at all, is perhaps to be found in two statements in the *Digest*, one of Modestinus, 48, 19-30,—'si quis aliquid fecerit quo leves hominum animi superstitione numinis terrentur, Divus Marcus huiusmodi homines in insulam relegari rescripsit'; and one of Paulus, 5, 21, 22, 'si quis novas sectas vel ratione incognitas religiones inducat ex quibus animi hominum

moveantur, honestiores deportentur, tenuiores capite puniantur.' These two rescripts are with much probability taken to refer to the Christians ; but they would obviously have been entirely unnecessary if Trajan's rescript was intended to authorise anything like a general persecution.

Into the question of the authenticity of these two letters I do not intend to enter. Several of the arguments used against them are disarmed by the view taken above, others are trifling and deserve very little weight. Indeed Aubé himself in his *Histoire des Persecutions*, after first stating his disbelief that the *Letters* as we have them are authentic, and after stating the principal difficulties involved in them, discovers difficulties equally great in any other view, and in the end appears to retract his previously-expressed disbelief. What has sometimes seemed the greatest difficulty is Pliny's statement about the number of the Christians being so great that the temples were nearly deserted, whereas it is quite certain, and is even attested one hundred years later by Origen, that the Christians were then comparatively few. This difficulty is, I think, much obviated by three considerations : (1) Pliny, it is true, speaks of the 'numerus periclitantium,' and says 'multi omnis aetatis, utriusque sexus . . . vocantur in periculum'; but from a former passage in the letter it is quite clear that a considerable proportion of these were not Christians and never had been, but were simply accused by the malice of private enemies ; (2) even if the temples were nearly deserted, it is not necessary to suppose that Christianity alone was the cause of this, when we remember that the Jews equally with the Christians would refuse to attend them, and that the former were probably far more numerous than the latter ; and (3) the case with regard to the temples was probably much exaggerated by those whose interests were all involved in the temple-worship, like the silver shrine makers at Ephesus, and who may probably have complained to Pliny that their trade was being ruined.

One other objection may perhaps be mentioned, that Pliny neither makes any allusion to the Christians in any other letter, and indeed waits for at any rate more than a year before he brings the question before Trajan. In answer to this it seems sufficient to repeat that Pliny began by acting on and enforcing the edict with regard to hetaeriae and did not personally

regard the danger of Christianity as serious, and it was only when, as he says, 'ipso tractatu diffundente se crimine plures species inciderunt,' that he felt himself in a difficulty, and inquired, and this after all was the gist of his letter, whether it would not be better to give the accused an opportunity of recantation, which, though contrary to the principles of Roman law, seemed the most expedient course in the circumstances.

AUTHORITIES FOR THE TEXT

Up to the year 1502, although no less than five editions of Pliny's letters had been published in Italy, his correspondence with Trajan was altogether unknown, and in spite of allusions in Tertullian, Eusebius, or Orosius, apparently unsuspected. Of the four families into which Keil, in the preface to his critical edition of 1870, divides the MSS. of Pliny, members of three only had up to that time been discovered; (1) those containing the first four Books and six letters of Book V, and represented by the Codex Florentinus; (2) those, dating mostly from the fifteenth century, which contain eight books, the eighth being omitted, and Book ix, minus letter 16, inscribed as Book viii. This family is best represented by the Codex Dresdensis (3), a family containing nine books. The most complete representative of this family, the Codex Mediceus, was not brought to Italy till 1508, and was not used for any edition of Pliny till the second edition of Catanaeus in 1518; but the Roman edition of the letters published in 1474 contained some of the letters of Book viii, and must have been based on some unknown and imperfect member of this family. Based on some or other of these MSS. then, there had appeared—(1) the editio princeps, in 1471; (2) the Roman edition in 1474; (3) a Neapolitan edition in 1476; (4) the edition of Pomponius Laetus in 1490; and (5) the edition of Beroaldus in 1498. The Pliny-Trajan letters appeared in none of these editions, which also wanted *Ep.* 16 of ix; and in Book viii, *Epp.* 8, § 3—18, § 11. But in May of 1502 Hieronymus Avantius of Verona, who had previously edited Sallust's Catiline for the Aldine Press, brought out 'C. Plinii Iunioris ad Traianum Epistole 46, nuper reperte cum

eiusdem responsis.' These forty-six letters are those numbered in the present edition 41-121. The number forty-six is made up by including Trajan's answers under Pliny's letters, and by counting (in *Ep.* 58) the letters of Domitian and the edict of Nerva. The first of these letters (41-3) is numbered xxvii, and the last (120-1) lxxiii. In his dedicatory letter to Cardinal Bembo, Avantius says, 'Petri Leandri industria ex Gallia Plinii iunioris ad Traianum epistolas licet mancas depravatasque habuimus.' Taken alone these words throw little light on the sources of this edition, except that they were brought from France. The edition was evidently carelessly brought out; it is full of errors and misspellings, and in particular has all the Greek words and expressions either incorrectly given or altogether omitted. Later in the same year,[1] the same forty-six letters were edited by Beroaldus at Bononia. In this edition a number of the mistakes made by Avantius are corrected, but the emendations are all such as might well occur to a sagacious editor, and there is no sign whatever of any original authority having been consulted. In 1506 the same letters were published for the third time by Catanaeus at Milan, together with the letters known up to that time of the nine books. His language in the preface would seem to imply that he had consulted a MS.: 'Fatear necesse est primum nobis in animo fuisse has epistolas intactas relinquere, quia uno tantum exemplari praeter impressa, nec illo admodum vetusto adiuti fuimus.' But both Orelli and Keil are of opinion that his emendations are due to his own conjectures only, and it is at any rate certain that if he had any MS. before him, it was merely the same mutilated copy which Avantius had used four years before. In 1508, however, was published the first Aldine edition of Pliny's letters, containing for the first time the hitherto missing letters in Book viii (placed now in its right order before Book ix), and also the first twenty-six letters (according to the Avantian numeration, 1-40 in my edition) of the Pliny-Trajan letters. He tells us in his letter of dedication to Aloisius Mocenigo, Venetian ambassador in Paris, how he was

[1] The edition is dated January 1502, but as March was the first month of the Italian year, it is really eight months later than the edition of Avantius. Orelli, who regarded the edition of Beroaldus as the earliest in his *Historia Critica* of 1833, corrected his mistake in 1838. Döring inexcusably makes the same mistake in 1843.

enabled to do this: 'Ex quo tu e Gallia . . . has Plinii epistolas in Italiam reportasti, in membrana scriptas, atque adeo diversis a nostris characteribus ut, nisi quis diu assueverit, non queat legere coepi sperare fore aetate nostra ut plurimi ex bonis auctoribus, quos non extare credimus, inveniantur'; and farther on: 'Sed tibi in primis habenda est plurima gratia, inclyte Aloisi, qui exemplar ipsum epistolarum reportasti in Italiam, mihique dedisti ut excusum publicarem. Deinde Iucundo Veronensi, viro singulari ingenio ac bonarum literarum studiosissimo, quod et easdem Secundi epistolas ab eo ipso exemplari a se descriptas diligenter, ut facit omnia . . . ad me ipse sua sponte . . . adportaverit, idque biennio antequam tu ipsum mihi exemplar publicandum tradidisses.' We are now better able to understand the vague reference to 'Gallia' made by Avantius. A quotation from Budaeus in his *Annotationes in Pandectas*, first published in 1506, will make it clearer still. In citing from viii 10, he says, 'Verum haec epistola et aliae non paucae in codicibus impressis non leguntur; nos integrum ferme Plinium habemus, primum apud Parisios repertum opera Iucundi sacerdotis, hominis antiquarii architectique famigerati.' This Ioannes Iucundus, or Giacondo, of Verona, was an ecclesiastic, scholar, and architect. In the latter capacity he was invited to Paris by Louis XII in 1499 to build the Pont Notre Dâme over the Seine. He was supposed, probably without reason, to have also built the Pont d'Hôtel Dieu, whence the distich—

> 'Iocundus geminum imposuit tibi, Sequana, pontem;
> Hunc tu iure potes dicere pontificem.'

However, while at Paris, he seems to have discovered this codex of Pliny's letters (*Keil's family* 4), and to have made a copy of it, which he sent to Aldus. Another copy of a portion of the letters, the first twenty-six being for some reason which we cannot determine omitted, had previously been made, certainly before 1502, by one Petrus Leander, and by him sent or brought to Avantius. The original codex, after having been used as we have seen by Budaeus, was subsequently, before 1508, taken to Italy by Mocenigo and given to Aldus, who based his first edition either on the copy of Iucundus or the original codex or both. Since that time all trace of the original codex has been

lost. It has never been used by any editor of Pliny since the first Aldine edition, for though Catanaeus in the preface to his second edition of 1518 talks of having seen 'descriptas de vetussimo codice germanico plures ad Traianum et insuper quasdam eiusdem Plinii ad amicos epistolas,' his text slavishly follows the first Aldine published ten years before, and we can hardly acquit Catanaeus of wilfully ignoring this edition, and attempting to give a factitious originality to his own edition by this mention of the supposed 'codex germanicus.' The only original authorities therefore for the Pliny-Trajan letters have hitherto been the edition of Avantius for *Epp.*, 41-121, taken from a copy of the Codex Parisiensis made by Petrus Leander, and the first Aldine edition for the whole, taken from a copy of the codex made by Iucundus, and possibly from a collation of the codex itself. Keil in his restoration of the original text has taken Avantius as his first authority for those letters contained in the edition, and the Aldine edition necessarily for the rest. His opinion, however, of the trustworthiness of Aldus, in spite of the materials at his disposal, is not very high. He believes that for the previously published letters Aldus did very little more than alter the edition of Avantius by emendations and interpolations of his own, while for the before unpublished letters he believes that he has followed the MS. less accurately than Avantius had for the others. I have now to mention a discovery which I have been fortunate enough to make quite recently in the Bodleian library, and which will, I believe, make it necessary somewhat to modify Keil's view of the Aldine edition, and at the same time will give us an earlier authority for the missing letters both of Book viii and of the Pliny-Trajan correspondence than the Aldine edition. On consulting the Bodleian copy of Avantius I found (1) that it was bound up together with the edition of Beroaldus of 1498; (2) that the missing letters in both editions, *i.e.* viii 8, § 3—18 § 11 in the latter, and 1-40 of the Pliny-Trajan letters in the former, were added in MS. in Carolingian minuscules on paper similar in size and appearance to that of the printed editions; (3) that the whole book, both printed and MS. portions, had in the margin a number of variant readings, in the same handwriting, and that very marked and striking. The book, it appeared from the title-page, had belonged to Thomas Hearne the antiquary, who bought

it at an auction in Oxford in 1708, and as, though mentioning the rarity of the edition in a note on the same page, he makes no allusion to the MS. part of it, I imagined at first that some previous owner had, to make a complete copy of Pliny, copied the missing letters in MS. from some later edition. But when out of curiosity I endeavoured to discover what edition he had used, I was struck (1) with several readings in which the MS. agrees with the first Aldine, but which have never been repeated in later editions, a fact which seemed to show that the original of the MS. was not later than the first Aldine, and (2) what was more important, that in a number of cases it differed both from the first Aldine and from all later editions, and (3) that it contained correct readings in anticipation of conjectures made by Casaubon, Perizonius, Schaeffer, and Orelli. Beginning then to suspect that the MS. was older than the first Aldine edition, I examined it with greater care, and all the more so, as I found on the last page of the edition of Avantius the following words written in the same handwriting as the marginal readings throughout the book. 'Hae Plinii iunioris epistolae ex vetustissimo exemplari Parisiensi et restitutae et emendatae sunt opera et industria Ioannis Iucundi praestantissimi architecti hominis imprimis antiquarii.' The real value of this Bodleian copy can of course be properly estimated only by a thorough collation of all its marginal readings, as well as of the MS. letters in Book viii and the Pliny-Trajan letters, with Aldus. The results and analysis of this collation I have given in the Journal of Philology, vol. xvii, No. 33, where I claim to have made out the following points (1) that the MS. portion of the book is the oldest authority extant for the letters contained in it, being taken from Iucundus' copy of the Parisian codex; (2) that the marginal readings, chiefly though not exclusively found in the printed parts of the book are also taken from this copy; and (3) that the book in its present form is the copy of Aldus himself, from which the first proof of his edition was printed.

The first point is established by a collation of the MS. letters with Aldus, who in the case of the Pliny-Trajan letters has hitherto been the earliest authority.

4, § 2. B. (Bodleian copy) quadragiens: Ald. quadringentiens: quadragiens confirmed by Budaeus.

6, § 2. B. esse eum: Ald. eum scilicet.

§ § 3. B. Kalendis Septembribus: Ald. Kal Septembris: B.'s reading was conjectured by G. H. Schaeffer.

10, § 1. B. institutiones: Ald. institutionem.

10, § 2. B. ecce autem: Ald. esse autem: B's. error is clearly due to misreading of a MS.

17 B, § 5. B, quam cum maxime tracto: Ald. quam cum Maximo tracto: the Ald. reading was followed by all editions till that of Cortius who adopted 'cum maxime' from Perizonius.

18, § 1. B. et navigationi: Ald. ut navigationi: the real reading being no doubt 'ei navigationi.'

23, § 1. B. itaque tamen aestimamus novum fieri quod: Ald. id itaque indulgentia tua restituere desiderant. Ego tamen aestimans novum fieri—see note ad loc.

29, § 2. B. ut iam dixerant sacramento ita nondum: Ald. ut iam dixerant sacramento militar i nondum.

37, § 2. B. peragenda erit: Ald. agenda erit.

39, § 1. B. desedit: Ald. descendit.

39, § 5. B. quam buleutae addit: Ald. quam buleutae addunt: B. is nearer to the correct reading 'additi,' first suggested by Casaubon.

With regard to the MS. letters of Book viii it must suffice here to say that they differ from Aldus in twenty-one readings, four being mere errors of the scribe: of the remaining seventeen, B. is in twelve confirmed by the Medicean Codex, which contains these letters: in three others by citations in Budaeus, who, as we have seen, used the Parisian codex: and in two by both M. and Budaeus. Thus in both sets of MS. letters, B. proves to be nearer to the original readings than Aldus.

With regard to the marginal readings to the two printed editions of Beroaldus and Avantius, of which there are altogether 207, the most striking point is that no less than 173 of them appear in the Aldine edition, the divergences between the marginal commentator and Aldus being fewer in the IX Books than in the Pliny-Trajan letters. Of the thirty-four cases of difference between the marginal reading and Aldus, about half are to be explained by the fact that Aldus mostly followed previous editions, while in other cases he has clearly added interpolations of his own. Taking into account (1) the overwhelming preponderance of cases of agreement between the marginal readings and Aldus; (2) the express statement of

Aldus that he was indebted to Iucundus for a copy of the codex; and (3) the similar mention of Iucundus on the last page of the Bodleian copy. I think there is little doubt but that these marginal readings are taken from the copy of the codex which Iucundus supplied. In the six following passages the readings in the margin, though differing from Aldus, are clearly nearer to the original reading, and in several cases anticipate late conjectures.

78, § 2. B. (*i.e.* Avantius corrected by margin), quanto infirmiores erunt, idem petent. Aldus interpolates a number of words and omits 'idem.'

96, § 10. B. pastumque venire victimarum: Ald. passimque venire victimas.

102. B. diem quo in te tutela; Ald. diem in quem tutela; B.'s reading was first conjectured by J. F. Gronovius.

114, § 1. B. dum ne quem earum civitatum: Ald. dum civitatis non sint alienae, sed suarum quisque matrum civitatum. B's reading was conjectured by Orelli, and is an obvious correction of Avantius, 'dum neque merum,' etc.

116, § 2. B. confirmed by Budaeus, 'concedendum iussisti invitationes.' Aldus has 'concedendum iussi invitationes.'

116, § 2. B. dianomes: Avantius 'Diamoeries'; Aldus 'diamones'; dianomes was conjectured by Casaubon.

That this Bodleian copy belonged to Aldus himself who corrected the printed editions from Iucundus' copy and the codex, and had the missing letters copied in from the same source, is tolerably evident from what has been said, and as I have shown in the Journal of Philology, it is confirmed by various little corrections and marks evidently intended as printer's directions, which run through the whole book, and agree with the Aldine edition.

If this is the correct account of the matter, some fresh light is thrown on the way in which Aldus used his authorities, and Keil's judgment upon him must be modified. Wherever Aldus and B. agree, as they do in the great majority of cases, Aldus has conscientiously followed the copy of the codex, while in cases of disagreement he either (1) took the reading of previous editions, or (2) inserted interpolations and conjectures of his own, or possibly (3) made alterations from the original codex, when he received it from Mocenigo.

However that may be, the discovery of this Bodleian volume, based as I have shown it to be on the Parisian codex as copied by Iucundus, makes it impossible to assign the highest authority to Avantius for Epp. 41-121; and to Aldus for 1-40, as Keil has done in his critical edition; for evidently Avantius + Iucundus is a better authority than Avantius alone; while the MS. letters, as we have seen, are clearly earlier and nearer to the codex than Aldus. I therefore take the Bodleian copy as my principal authority for the text of all the letters, adopting in some cases, however, the Aldine reading in preference, and also modern conjectures in some of the corrupt passages. In all such cases the readings will be justified in the notes. In a very few passages I have ventured to adopt conjectures of my own: 63 § 3, 'ad Asiam'; 113, 'ut praestatione ceteris praeferantur'; 116 § 2, 'at' for 'ita'; 121, 'quae dubitanda fuisset.'

In the critical notes I have used the following abbreviations: B. = Bodleian copy; Ald.[1] = 1st Aldine; Ald.[2] = 2d Aldine; Avant. = Avantius; Cat. = Catanaeus, 1506; Or. = Orelli; K. = Keil.

ORDER OF THE LETTERS

In this I have followed Keil's edition, which again has merely reverted to the order of Avantius and Aldus. This, if not in every case the strict chronological order of the letters, at least approximates to it. Thus Epp. 1-14 were all written, probably from Rome, in the earlier part of Trajan's reign, the latest event referred to in them being Trajan's victory in either the first or the second Dacian war (Ep. 14); while of the later letters, all written from Bithynia, 17 mentions his arrival in the province September 111; 35 was written in Jan 3, 112; 45 probably soon after the beginning of the new year, when the old diplomata would expire; 52 on the dies imperii, Jan. 27, 112; 88 on Sept. 15, 112; and 100 on Jan. 3, 113; 102 on Jan. 27, 113: all the letters with certain dates being thus in chronological order. Henricus Stephanus was the first to alter the order of the letters by putting all the single letters of Pliny together at the beginning of the book, and

those to which Trajan replied at the end. The single letters, 19 in number, are 1, 2, 4 (3); 5 (4); 10 (5); 11 (6); 12 (7); 13 (8); 14 (9); 25 (10); 26 (11); 51 (12); 63 (13); 64 (14); 67 (15); 74 (16); 85 (17); 86 (18); 87 (19); after which the Pliny-Trajan letters fall into their places, 3 and 3*b* being 20 and 21; 6 and 7, 22 and 23; and so on.

EDITIONS CONTAINING THE PLINY-TRAJAN LETTERS

(1) Hieronymus Avantius of Verona, 1502; containing 41-121 (xxvii-lxxiii), no commentary; Bodleian.

(2) Philippus Beroaldus, Bononiae, 1502; containing the same letters; no commentary; published merely as a supplement to his edition of 1498; no copy in England.

(3) Ioannes Maria Catanaeus, Mediolani, 1506; containing the IX books, with the 10 Epp. of viii wanting, and the same letters (41-121) of the Pliny-Trajan correspondence. The letters have an elaborate and often valuable commentary, of which I have frequently made use. The Greek words and phrases in particular, so faulty in Avantius, have received careful correction. British Museum.

(4) 1st Aldine edition, Venetiae, 1508; containing for the first time all the letters, the Pliny-Trajan letters being inscribed, probably not on the authority of the codex, Book x. The letters are not numbered, but are headed by Lemmata, probably taken from the margin of the codex, as the edition of Avantius also has them, and also the MS. letters in the Bodleian copy; no commentary. British Museum and Bodleian.

(5) Reprint of Catanaeus, unchanged; Venetiis, 1510.

(6) 2nd Aldine edition, Rheneniana, 1518; differs only slightly from former edition. Bodleian and British Museum.

(7) 2nd edition of Catanaeus, containing all the letters, 1518, follows the Aldine edition very closely, and giving up a number of the conjectures and interpolations of the ed. of 1506; no copy in England. See Orelli, *Historia Critica.*

Later editions containing the text and commentary of Catanaeus were published in 1519; 1553 Par. apud Ascensium; 1552 Basil. apud Froen.; 1600 apud Paul. Stephanum.

Among other editions the most noteworthy are those of Veenhusius, Rotterdam, 1669, with notes of Casaubon, Gruter, H. Stephanus, Buchner, Barthius, and Gronovius; of G. Cortius and P. D. Longolius, Amsterdam, 1734, with notes of Catanaeus, Casaubon, Stephanus, Ritterhusius, Barthius, Buchner, Schaeffer, Gronovius, and Cellarius; the editio Oxoniensis, 1703, with notes of Thomas Hearne and others, and the first sketch of Pliny's Life by Masson; of Gierig, Leipzig, 1800; and of Gesner and Schaeffer, Leipzig, 1805.

In 1833 J. C. Orelli published the Pliny-Trajan letters separately, 'ab interpolationibus purgatae,' with the 'Historia Critica Epistolarum Plinii et Traiani' prefixed. This is, however, throughout vitiated (1) by the mistaken supposition that the edition of Beroaldus was published before that of Avantius; and (2) by his having at that time never seen the second edition of Catanaeus of 1518. These mistakes, however, he corrected in a later edition of the *Historia Critica* published in 1838. Orelli's edition contains a few critical notes on the most corrupt passages, and the apparatus criticus is fully given at the foot of each page.

In 1843 all the letters were published, with German explanatory notes, by Möritz Döring at Freiberg. The edition, however, is of little value. For the text, too much dependence is placed upon Orelli, and the mistake about the date of the edition of Beroaldus and Avantius, although corrected by Orelli five years previously, is inexcusably repeated by Döring. I am indebted to this edition for a few references principally to Quintilian and Seneca, but though I have had his notes before me, I am not aware that I have made any further use of them. In disputed passages I have seldom been able to follow the text which he adopts.

In 1870 was published the critical edition of H. Keil, with its exhaustive discussion on the sources for the text of Pliny, and its invaluable index of proper names at the end drawn up by Mommsen. To both of them, it is needless to say, I have been indebted at every step. The variant readings which I subjoin to each page are in a great measure taken from Keil's edition, not blindly, however, for I have carefully collated the editions of Avantius and Aldus, and, less thoroughly, the first edition of Catanaeus. The discovery of the Bodleian MS.

and the marginal notes in that volume have led me, in some instances already alluded to, to depart from Keil's text, and to depart somewhat from his estimate of the Aldine edition.

My own notes are due principally to the help afforded by Mommsen's *Staatsrecht;* Marquadt's *Staatsverwaltung;* Friedländer's *Sittengeschichte;* Pauly's *Real Encyclopaedie;* De la Berge's *Essai sur la regne de Trajan;* Dierauer's *Zur Geschichte Trajans;* and Mommsen's article on Pliny the Younger in *Hermes,* vol. iii. For my notes and essay on the Christians, I have consulted the discussions of Bandouin and Vossius; Aubé, *Histoire des Persecutions;* and Schiller's *Geschichte der Kaizerzeit.* My quotations I have usually given in full; and with regard to inscriptions I have, wherever possible, made use of those contained in Orelli, Henzen, and Wilmann.

No English edition of the Pliny-Trajan letters has yet been published. Letters 4, 39, 40, 71, 72, and 96 are contained in the 'Select Letters' published by Church and Brodribb in 1871. The notes are, however, very brief; and the editors have evidently paid little attention to the history of these letters, as they speak of certain readings being 'in all the best MSS.' One or two of the letters were also published in the selection of Pritchard and Bernard, Clarendon Press, 1875 and 1887.

Of translations, the two best are that of Melmoth, revised by Bosanquet, Bohn's Library, 1878; and that of J. D. Lewis, 1879.

C. PLINI CAECILI SECUNDI

EPISTULARUM LIBER

I

Gratulatoria ob imperium

C. PLINIUS TRAIANO IMPERATORI

Tua quidem pietas, imperator sanctissime, optaverat ut 1 quam tardissime succederes patri; sed dii immortales festinaverunt virtutes tuas ad gubernacula rei publicae quam susce-

§ 1. Contrary to your own filial wishes, Heaven has seen fit to put the empire into your hands. § 2. I pray that your reign may be marked by prosperity to yourself and to the world at large. As an individual and a citizen, I wish you strength and happiness.

Nerva died on Jan. 28, 98 A.D. Trajan had been adopted on Oct. 27 of the previous year whilst still legatus pro praetore Germaniae superioris. Dio Cass. 68, 3; Aur. Vict. *Caes.* c. 13; Plin. *Panegyr.* 8. The news of the death of Nerva was announced to him at Colonia Agrippinensis (Köln), where he was regulating the affairs of Germania Inferior. As Trajan did not return to Rome till towards the close of 99, this letter must have been sent to Germany. It was written at Rome, where Pliny was praefectus aerarii Saturni. See on *Ep.* 3.

§ 1. **tua quidem pietas.** Antoninus Pius is said to have received his cognomen from the respect he paid to Hadrian's memory, in whose honour he instituted a festival named 'Pialia.' It afterwards became one of the regular titles of the emperors, while 'Pietas Augusti' frequently appears on coins. Cf. the phrase on funeral inscr. 'ex pietate.'

sanctissime. As an epithet implying high moral character, see *Ep.* iii 3, 1; i 12, 5; iv 17, 4; *infra*, 3, 3. As a peculiar title of honour given to the emperors, see Ov. *Fast.* ii 127. 'Sancte pater patriae.' Mart. v 6, 8, 'intra limina sanctioris aulae.' At the root of both lies the idea of inviolability. So the tribunes were sacrosancti: the senate was sanctus. Cf. Hor. *Od.* iv 5 13; Verg. *Aen.* i 426; Cic. *Cat.* i 4, 9; *Dig.* 40, 11, 3.

optaverat: pluperf., because referring to a time previous to Nerva's death. See Roby, *Lat. Gr.* § 1487.

quam tardissime: cf. *Panegyr.* 10, 'neque aliud tibi ex illa adoptione quam filii pietatem adsereres, longamque huic nomini, aetatem, longam gloriam precarere.'

succederes patri. Trajan was adopted on Oct. 27, 97, by adrogatio. The people were assembled in the Forum, and Nerva, as pont. max., announced the adoption. See Dio Cass. 68, 3; Plin.

2 peras admovere. Precor ergo ut tibi et per te generi humano prospera omnia, id est digna saeculo tuo contingant. Fortem te et hilarem, imperator optime, et privatim et publice opto.

Panegyr. 8: and cf. the adoption of Tiberius by Augustus, Suet. *Aug.* 65; and of Nero by Claudius, Tac. *Ann.* xii 25. On the other hand, Piso was adopted by Galba without the observance of the usual forms. Tac. *Hist.* i 18; De la Berge, *Essai sur le regne de Trajan*, p. 17. On adrogatio, see Gaius, *Comm.* i 99.

quam susceperas. There may, as Ernesti thinks, be a slight confusion of metaphor here, though a gubernator might justly be said, 'suscipere curam navis.' See Cic. *pro Sext.* c. 22, 'neminem unquam fore qui auderet suscipere contra improbos cives reipublicae salutem.'

§ 2. **generi humano.** As used by Pliny to Trajan, the phrase, though not without an element of exaggeration, yet is used in a much more concrete sense than Cicero's 'consulere generi hominum,' *De Rep.* 3, 12; and Horace's 'o deorum quicquid in caelo regit terras et humanum genus, *Epod.* 5, 2; cf. *Ep.* 17, 4, 'in ea erga te fide quam de generi humano mereris.' There is an inscr. to Trajan, Orell. 795, 'conservatori generis humani.'

digna saeculo tuo: cf. 3, 2, 'tranquillitati saeculi tui;' and iv 11, 6, of Domitian, 'ut qui inlustrari saeculum suum eiusmodi exemplis arbitraretur;' also Tac. *Agric.* iii, 'primo beatissimi saeculi ortu.' In these passages saec. means the reign of a particular emperor. But in *Ep.* 97 *infra*, 'nam et pessimi exempli nec nostri saeculi est;' and Tac. *Hist.* ii 37, 'corruptissimo saeculo;' and *Germ.* 19, 'nec corrumpere et corrumpi saeculum,' it is rather the spirit of the age. Cf. *Ep.* 55, 'non est ex iustitia nostrorum temporum.'

fortem te et hilarem opto. I wish you good health and spirits.

et privatim et publice. These are best taken with opto, *i.e.* 'in my own name and that of the republic:' cf. *Ep.* 14, 'tuo nomine et reipublicae gratulor.'

II

Gratias agit

C. PLINIUS TRAIANO IMPERATORI

1 Exprimere, domine, verbis non possum quantum mihi gaudium attuleris, quod me dignum putasti iure trium liberorum.

§ 1. I am inexpressibly grateful to you, sire, for granting the ius trium liberorum. Though granted at the request of Iulius Servianus, your rescript shows that the recipient was not overlooked. § 2. I am delighted to have received one of the first favours of your reign. Even in the late reign of terror, my previous marriages prove that I was anxious for children. § 3. To be a father now will be a still greater blessing.

This letter was also written from Rome probably shortly after the former, as is proved by the words 'inter initia felicissimi principatus tui.'

§ 1. **domine.** This is not an official title of the emperor, but simply a polite mode of address which was usual (1) between lovers. See Ov. *Heroid.* 13, 145, 'ille ferens dominae mandata recentia secum; *Met.* ix 465, 'iam dominum appellat': (2) by children to their father, Mart. i 81, 'A servo scis te genitum blandeque fateris, Quum dicis dominum, Sosibiane, patrem': (3) by superiors to inferiors, through a wish to be specially polite; thus *Epict. Diss.* ii 15, 15, by a patient to his physician, Νοσῶ κύριε· βοήθησόν μοι; Fronto, *Epp. ad M. Caes.* i. 6 ed. Nieb. p. 31, by Antonius to his teacher, 'fave mi domine magister': (4) by clients to patrons, Mart. ii 68, 1, 2, 'Quod te nomine iam tuo saluto, Quem regem et dominum prius vocabam,' vi 88, ix 92; and (5) generally by inferiors to superiors; thus in the Testamentum Dasumianum we have 'Servianus dominus meus.' The procurator of Mauritania addresses the legatus of Numidia as 'domine,' Mommsen, *Arch. Ztg. N. F.* iii

Quamvis enim Iulii Serviani, optimi viri tuique amantissimi, precibus indulseris, tamen etiam ex rescripto intellego libentius

1870: (6) by individuals to assemblies and corporations, Suet. *Tib.* c. 29, 'et bonos et aequos et faventes vos habui dominos.' Claudius even called the spectators in the amphitheatre 'dominos,' Suet. *Claud.* 21: cf. also Tac. *Ann.* xvi 4, and Dio Cass. 61, 20; (7) by those who met others in the street whose names they do not know, Sen. *Epp.* iii 1, 'Obvios, si nomen non succurit, dominos salutamus;' (8) by near relations to one another, Sen. *Epp.* 104, 1, 'dominus meus Gallio,' etc. Under the empire there was a tendency from the first to apply this title in a special and quasi-official sense to the emperors. Augustus, however, refused it, Suet. *Aug.* 53, 'domini appellationem . . . semper exhorruit,' and even forbade his children and grandchildren to employ it either to him or among themselves; *id. ib.*, 'dominumque se posthac appellari nec a liberis quidem aut nepotibus suis passus est.' So, too, Tiberius (Suet. *Tib.* 27), 'dominus appellatus a quodam denuntiavit, ne se amplius contumeliae causa nominaret'; and Tac. *Ann.* ii 87, 'acerbeque increpuit eos qui divinas occupationes ipsumque dominum dixerant.' On the other hand, Domitian assumed it as a regular title, Suet. *Dom.* 13, 'acclamari etiam in amphitheatro epulari die libenter audiit: domino et dominae feliciter;' and 'Pari arroganti quum procuratorum suorum nomine formalem dictaret epistulam sic coepit: "dominus et deus noster sic fieri iubet,"' Juv. iv 96; Mart. v 8; 'edictum domini deique nostri,' ix 67. Trajan declined the title in any official sense; Plin. *Panegyr.* § 3, 'non de domino sed de parente loquimur'; also §§ 7 and 45. Also Martial, x 72, now says, 'non est hic dominus sed imperator.' Lastly, from the time of Septimius Severus, the evidence of inscriptions shows that 'dominus noster' became one of the regular titles of the emperors in official documents or records. See Wilmann, *Exx. Inscr. Lat.* 1280, 1482, 1508, and *passim* for the later emperors. See Friedländer, *Sittengesch.*, vol. i pp. 428-435, and Eckhel, *Doctr. Numm.* viii p. 364.

iure trium liberorum. By the Lex Iulia et Papia Poppaea, as the revised law passed 9 A.D. was called (Tac. *Ann.* iii 25; Suet. *Aug.* 34), certain disqualifications were imposed on caelibes between the ages of twenty and sixty, and on orbi (*i.e.* men married but childless); Gaius, ii 111 and 286. Thus caelibes could not take inheritances or legacies except from the nearest relatives; orbi could only take half the amount. Privileges, on the other hand, were given to those who were married (mariti), and especially to those who had three children in Rome, or four in Italy, or five in the provinces; Just. *Inst. Tit.* 25; *Orell.* 3750. To mariti were assigned special seats in the theatre; Suet. *Aug.* 44, 'maritis e plebe proprios ordines assignavit'; Mart. v. 41, 'Sedere in equitum liceat an tibi scamnis Videbo, Didyme: non licet maritorum.' The privileges attached to the 'ius trium liberorum' (Plin. *Panegyr.* 26) were (1) inheritances left to caelibes were passed on to them if mentioned in the will; Gaius ii 206, 'post legem vero Papiam deficientis portio caduca fit et ad eos pertinet qui in eo testamento liberos habent': cf. Tac. *Ann.* iii 28; see also Gaius iii 42, 47; (2) preference was given to them in petendis honoribus; Tac. *Ann.* ii 51, 'contra plerique nitebantur ut numerus liberorum in candidatis praepolleret, quod lex iubebat'; Plin. *Ep.* vii 16, 'Ille me in tribunatu liberorum iure praecessit;' Tac. *Ann.* xv 19; (3) offices might be held before the legal age, or without the legal interval; *Digest*, iv 4, 2, 'quod enim legibus cavetur ut singuli anni per singulos annos remittantur, ad honores pertinere divus Severus ait non ad rem suam recipiendam'; Plin. *Ep.* vii 16, cited above; (4) preference was given in the assignment of provinces; Dio Cass. 53, 13; Tac. *Ann.* xv 19, 'cum propinquis comitiis aut sorte provinciarum plerique orbi fictis adoptionibus adsciscerent filios;' (5) precedence before others of the same rank or before colleagues; Aulus Gellius, ii 15, 'Sic capite septimo legis Iuliae priori ex consulibus fasces sumendi potestas fit, non qui plures annos natus est, sed qui plures liberos quam collega, aut in sua potestate habet, aut bello amisit'; (6) exemption from the duties of tutor and iudex; Just. *Inst. Tit.* 25; *Dig.* xxvii 1, 18; *Cod.* v 66, 'qui ad tutelam vel curam vocantur, Romae quidem trium liberorum incolumium numero . . . , in Italia vero quatuor, in provinciis autem quinque, habent excusationem;' (7) alleviation of punishment in certain cases; Dio Cass. 69, 23; *Dig.* 48, 20. Neither

2 hoc ei te praestitisse, quia pro me rogabat. Videor ergo summam voti mei consecutus, cum inter initia felicissimi princi-

the penalties nor the privileges answered their purpose (Tac. *Ann.* iii 25), and the ius trium liberorum was often granted as a favour by the emperors either to those who had no children or not the necessary number. Emperors like Trajan were sparing in giving it, and probably only gave it to those who by marriage had shown a desire to have children; Plin. *Ep.* ii 13, 8; 'quod cum parce et cum delectu daret;' also *infra*, *Ep.* 93, where Pliny, in asking for the ius tr. lib. for Suetonius, says, 'parum felix matrimonium expertus est'; and *Ep.* 94, 'Quam parce haec beneficia tribuam . . . haeret tibi'; Suet. *Claud.* 19; Galba, 14, 'Iura trium liberorum vix uni atque alteri (dedit)'; Dio Cass. 55, 2, '*οἷς γὰρ ἂν τὸ δαιμόνιον, εἴτ οὖν ἀνδρῶν εἴτε γυναικῶν, μὴ δῷ τοσαυτάκις* (τρὶς) *τεκνῶσαι, τούτων τισιν ὁ νόμος, πρότερον μὲν διὰ τῆς* Βουλῆς, *νῦν δὲ διὰ τοῦ αὐτοκράτορος τὰ τῶν γεγεννηκότων δικαιώματα χαρίζεται*,' and 60, 24. Domitian, however, gave it even to unmarried men like Martial; Mart. ii 91, 5-6, and 92, 1-3, 'Natorum mihi ius trium roganti Musarum pretium dedit mearum Solus qui poterat.' Titus seems to have granted it to him for a certain time before, iii 95, 5-6, and ix 98, 5. See also viii 31, 5-6, ix 67, 3-4. See also Juv. ix 87-90. Since Augustus the Vestals had the 'ius trium liberorum'; Dio Cass. 56, 10.

Iulii Serviani. From Mommsen's Index it appears that his full name was L. Iulius Ursus Servianus. After being consul, he was legatus pro praet. Germaniae superioris, probably succeeding Trajan in 98 A.D. (Plin. *Ep.* viii 23, 5). From that he was transferred to Pannonia (Plin. *loc. cit.*). To one of these provinces Pliny sent the letter, iii 17, probably to the latter. He was certainly in Germany when he obtained the ius trium liberorum for Pliny. He was consul II ordinarius in 102: married Domitia Paulina, Hadrian's sister (*Vit. Hadr.* 1, 2); was Consul III ordin. in 134, and was killed by order of Hadrian in 136, at the age of 90 (Dio Cass. 69, 17). He is mentioned, as stated above, in the Testamentum Dasumianum, as 'Servianus dominus meus.' See also Plin. *Ep.* vi 26, vii 6, 8; Dio Cass. 76, 7; and *Vita Hadr.* 15, 23, and 25.

ex rescripto. Rescriptum was the name given to a special kind of imperial constitutions, usually written to magistrates asking for advice. In this sense they were often called epistulae. Thus Trajan's epistulae to Pliny were technically rescripta. In the present case the document was of a formal kind, as a distinct legal privilege was granted by it. The rescripta were prepared by the quaestor imperatoris, or sacri palatii, and signed by the emperor in purple ink. Cf. *De Instit.* i. 4, 1, 'quodcunque igitur imperator per epistulam et subscriptionem statuit vel cognoscens decrevit . . . vel edicto praecepit, legem esse constat.'

§ 2. **inter initia felicissimi principatus tui.** Cf. Tac. *Agric.* iii, 'quamquam . . . augeat quotidie felicitatem temporum Nerva Traianus;' *id. ib.* c. 44, 'Nam sicut durare in hanc beatissimi saeculi lucem ac principem Traianum videre,' etc.

ad peculiarem indulgentiam tuam. Pec. here means more 'personal' than 'special.' The conferment of the ius tri. lib. was a personal privilege of the emperor. Cf. *Ep.* i 8, 16, 'me vero peculiaris impedit ratio,' and Mart. iv 64, 8, 'luce nitet peculiari.' Cf., however, *Ep.* ii 13, 8, 'quod quamquam parce et cum delectu daret mihi tamen tamquam eligeret indulsit.'

illo tristissimo saeculo. See *supra:* cf. Juv. iv 37, 'Cum iam semianimum laceraret Flavius orbem Ultimus et calvo serviret Roma Neroni;' and 92, 93, 'Sic multas hiemes atque octogensima vidit Solstitia, his armis illa quoque tutus in aula;' Tac. *Agric.* 44, 'Ita festinatae mortis grande solatium tulit evasisse postremum illud tempus, quo Domitianus non iam per intervalla ac spiramenta temporum, sed continuo et velut uno ictu rem publicam exhausit.' Cf. *Panegyr.* § 90.

concupisco liberos. Cf. *Ep.* viii 10, 3, 'Neque enim tu ardentius pronepotes quam ego liberos cupio.'

duobus matrimoniis meis. It seems necessary with Mommsen to refer these two marriages to the reign of Domitian, otherwise they would not prove his desire to have children 'illo tristissimo saeculo.' Döring, with some plausibility, puts quos —volui in brackets, and refers sicut to concupisco. One wife, the stepdaughter of Vettius Proculus (*Ep.* ix 13, 13, 'uxoris meae quam amiseram vitricus'), died in 97; *Ep.* ix 13, 3, 'quamquam tum maxime tristis amissa nuper uxore.' The date is fixed by the words 'occiso Domi-

patus tui probaveris me ad peculiarem indulgentiam tuam pertinere; eoque magis liberos concupisco, quos habere etiam illo tristissimo saeculo volui, sicut potes duobus matrimoniis meis credere. Sed dii melius, qui omnia integra bonitati tuae 3
reservarunt. Malui hoc potius tempore me patrem fieri quo futurus essem et securus et felix.

5 maluere, *Ernesti.*

tiano' earlier in the letter. Her mother seems to have been the rich Pompeia Celerina to whom *Ep.* i 4 is written, and who is mentioned iii 19, 8, and vi 10, 1, and *ad Trai.* 51. Of the first wife nothing is known, but in 98 he married Calpurnia, granddaughter of Calpurnius Fabatus. See *Ep.* iv 1, 1, and 19, 1. For further particulars of this marriage, see *infra* in *Ep.* 120.

§ 3. **sed dii melius.** Cf. Tac. *Ann.* iv 38, 'melius Augustum qui speraverit,' and *Germ.* 19, 'melius quidem adhuc eae civitates.'

omnia integra—reservarunt. It seems to me, in opposition to Döring, that Pliny undoubtedly means that it was better to become a father now by Trajan's favour, than naturally under Domitian.

malui. This is the reading of Avantius and Aldus, and seems distinctly preferable to Ernesti's maluerunt.

hoc potius tempore patrem fieri: cf. *Panegyr.* § 26, 'Super omnia est tamen quod talis es ut sub te liberos tollere libeat expediat.'

futurus essem. Past tense, because referring to the time (expressed by malui) when he made the petition: subjunctive because implying the motive then in his mind.

III A [XX]

De Sortitione patrocinii adversus Marium Priscum

C. PLINIUS TRAIANO IMPERATORI

Ut primum me, domine, indulgentia vestra promovit ad 1
praefecturam aerarii Saturni, omnibus advocationibus, quibus alioqui numquam eram promiscue functus, renuntiavi, ut toto

§ 1. Since I was promoted, sire, to the praefecture of the aerarium Saturni, I have declined to act as advocate, and have devoted myself to my official duties. § 2. Accordingly when the provincials of Africa asked me to appear against Marius Priscus, I begged to be excused. But when the consul designatus proposed a formal resolution that I should place myself at the disposal of the senate, I thought it best to consent. § 3. I hope my action will meet with your approval.

This letter was certainly written in the second half of 99; possibly after Trajan's return from Germany. The case of Marius was finally settled in January 100 A.D.: *Ep.* ii 11, 10, 'Princeps praesidebat; erat enim consul; ad hoc Ianuarius mensis cum cetera tum praecipue senatorum frequentia celeberrimus.' This fixes the date absolutely, as Trajan was neither in Rome nor consul in Jan. 99; and *Panegyr.* 95 shows that the case was over in September 100.

§ 1. **indulgentia vestra.** This implies that Pliny was appointed during the lifetime of Nerva. In *Panegyr.* (§ 90) he says so expressly, 'Habuerat hunc honorem periculis nostris divus Nerva ut nos, etsi minus ut bonos, promovere vellet,' etc., where the promotion referred to can only be the appointment to the aerarium Saturni. In *Panegyr.* (§ 91) Pliny says, 'nondum biennium compleveramus in officio laboriosissimo et maximo, cum tu nobis . . . consulatum obtulisti.'

2 animo delegato mihi officio vacarem. Qua ex causa, cum patronum me provinciales optassent contra Marium Priscum, et

Mommsen proves (*Hermes*, iii) that the consules suffecti for the year were designated on January 9. As Nerva died on January 27, Pliny must have received his appointment between those two dates in 98 A.D.

praefecturam aerarii Saturni. Under the republic the aerarium Saturni was the only treasury, and was administered by the two city quaestors. Marquadt, *Staatsverw.* ii. p. 299. But Augustus after the division of the provinces in 27 B.C. created two new treasuries, the fiscus into which came the proceeds of the imperial provinces, and the aerarium militare, founded in 6 A.D. and supported by the vicesima hereditatum and the centesima rerum venalium. The aerarium Saturni in addition to its former revenues now received the proceeds of the senatorial provinces. Nominally the senate had the disposal of it, and was allowed by Augustus to choose praefects (Tac. *Ann.* i 75, and xiii 29), who were praetorii in rank, Dio Cass. 53, 2. '*δύο κατ' ἔτος ἐκ τῶν ἐκστρατηγηκότων αἱρεῖσθαι ἐκέλευε*, and Suet. *Aug.* 36; but virtually the emperor had the real power; Dio Cass. 53, 16.

Tac. *Ann.* xiii 29 gives the history of the office up to Nero, 'Varie habita ac saepe mutata eius rei forma. Nam Augustus senatui permisit deligere praefectos: deinde ambitu suffragiorum suspecto, sorte ducebantur ex numero praetorum, qui praessent: neque id diu mansit, quia sors deerrabat ad parum idoneos. Tunc Claudius quaestores rursum imposuit; iisque, ne metu offensionum segnius consulerent, extra ordinem honores promisit. Sed deerat robur aetatis, eum primum magistratum capessentibus. Igitur Nero praetura perfunctos, et experientia probatos delegit.' See also Suet. *Claud.* 24, Dio Cass. 60, 4; Tac. *Hist.* iv 9 shows that Vespasian appointed praetores again. Since Nerva two praefecti aerarii were appointed by the emperor from the number of the praetorii to hold office for three years. The praefects had to administer the aerarium, to assign money for various purposes, and to superintend the jurisdiction of all treasury cases. See Marquadt. *Staatsverw.* ii 302, 303; Mommsen's *Staatsrecht*, vol. ii pp. 544-547; and Pauly, *Real Encyclop.* vol. vi p. 9; also the Pliny-inscription, and Orelli, 77, and 3168.

advocationibus. Under the Republic the advocatus was a jurisconsult who did not speak for his client in court, which was the duty of the orator or patronus, but simply supported the points of law by his opinion or presence. Under the empire the distinction between the speaker and the expert disappeared, and the advocatus combined both functions. Pauly, *Real Encyclop.* vol. i. p. 78.

quibus numquam eram promiscue functus. Pliny began his career as an advocate when still young; *Ep.* i 18, 3, 'eram acturus adolescentulus adhuc.' Both in this letter, and in vi 23 he speaks as an advocate much in vogue, and able to give advice and patronage to younger and less experienced men. He usually pleaded before the centumviri in cases relating to wills and successions; *Ep.* vi 12, 2, 'in arena mea, hoc est apud centumviros'; and Mart. x 19, 'Totos dat (Plinius) tetricae dies Minervae, Dum centum studet auribus virorum.' See also iv 16; iv 21; v 9, 2; ix 23, 1, etc. On two occasions he takes up the cause of a town, as that of his native place, Comum, *Ep.* ii 5, and that of Firmum, vi 18. Ordinary criminal cases before the praetors, he only mentions twice, i 18, 6, and vi 33, 9. Of state trials on the charge of repetundae before the senate, Pliny had up to this time only undertaken one, viz. that on behalf of the provincials of Baetica against Baebius Massa, the proconsul there. See vii 33, and vi 29. After a preliminary inquiry 'an danda esset inquisitio,' the case was tried before the senate, Pliny and Herennius Senecio being appointed advocates of the province by the senate. Massa was condemned, and it was decreed 'ut bona eius publice custodirentur.' The date is fixed by Tac. *Agr.* 45, 'et Massa Baebius iam tum reus erat,' *i.e.* at the death of Agricola.

delegato mihi officio. Cf. *Ep.* viii 3, 'curis delegati a vobis officii detentus.'

§ 2. cum patronum me provinciales optassent contra Marium Priscum. Cf. iii 9, 1, whence it appears that it was not the province collectively, 'sed Marium una civitas publice multique privati reum peregerunt,' *i.e.* it was not the 'concilium provinciae' as in the case of Varenus, vii 6, but only one town and a number of individual accusers. For the case of Marius see Juv. i 49,

petii veniam huius muneris et impetravi. Sed cum postea con- 2
sul designatus censuisset agendum nobiscum, quorum erat excusatio recepta, ut essemus in senatus potestate pateremurque nomina nostra in urnam conici, convenientissimum esse tranquillitati saeculi tui putavi praesertim tam moderatae voluntati amplissimi ordinis non repugnare. Cui obsequio meo 3

2 censuisses tacendum, *Ald.* censuisses faciendum, *Casaubon.* censuisset agendum, *Gruter.*

viii 120; Pliny, ii 11, iii 4, iii 9, vi 29. According to Mommsen's Index Marius Priscus was a native of Baetica, iii 9 3, consul probably in 87, septemvir epulonum, ii 11, 12, and proconsul of Africa. On being accused Marius 'omissa defensione iudices petiit,' ii 11, 2; *i.e.* he pleaded guilty of minor malpractices such as might be tried by the recuperatores or iudices recuperatorii, a board of three or five members who had only to decide upon the money to be reimbursed. The mere fact, however, of going before the iudices seems to have involved infamia (see iv 9), 'negant enim congruens esse retinere in senatu cui iudices dederis.' Pliny and Tacitus, who had been assigned as advocates to the provincials by the senate, objected that the accusations were too heavy to go before the iudices. After some dispute it was agreed that Marius Priscus should be tried before the iudices on the charge of repetundae, but the parties to whom Marius was said to have sold the deaths of innocent persons should be summoned before the senate. Vitellius Honoratus, accused of having bought the exile of a Roman eques, and the death of seven of his friends for 300,000 sesterces, Flavius Marcianus, of having caused another eques to be scourged, condemned to the mines, and strangled by a payment of 700,000 sesterces, were accordingly summoned. Honoratus was dead, but Marcianus appeared. It was however thought fairer that Marius should appear with his accomplice, and the case was put off till the next meeting of the senate in January 100, when the emperor himself presided. Meanwhile Marius had been condemned by the iudices on the charge of repetundae (ii 11, 13), 'erat ergo perquam onerosum accusare damnatum.' After a three days' trial, it was decreed, on the proposal of Cornutus Tertullus, one of the consules designati (the trial therefore was later than the 9th of January), 'septingenta millia quae acceperat Marius aerario inferenda: Mario urbe Italiaque interdicendum: Martiano hoc amplius Africa.' It was carried as a rider, 'quod ego et Tacitus iniuncta advocatione diligenter et fortiter functi essemus, arbitrari senatum ita nos fecisse ut dignum mandatis partibus fuerit.' Whether the case of Classicus was begun in September 99 or September 101 is disputed between Mommsen, who takes the latter view, and Masson, Stobbe, and Peter, who take the former. A comparison of iii 4, 2, and *ad Trai.* 8, 3, prove September to have been the date at which the case was given to Pliny. In September 100 Pliny was consul, and therefore 99 and 101 alone remain. The chief argument for 99 seems to be the order in which Pliny mentions the cases in vi 29. But stronger arguments on the other side are (1) iii 4, 8, 'Computabam si munere hoc iam tertio fungerer,' and (2) as both cases were during the praefecture of the aerarium, the hesitation as to whether his duties would allow him to undertake the case would naturally be expressed with regard to the former of the two cases. Mommsen's view, however, supposes that Pliny was praefectus aerarii Saturni for four years instead of three, 98-101 A.D. See also p. 23, note 8.

consul designatus censuisset. The consules ordinarii were designated at the end of the year; the consules suffecti not till the following January; see above. The consul designatus, therefore, must be Sex. Iulius Frontinus. If it had been Trajan, as the reading 'censuisses' would imply, the words at the end of the letter, 'opto ut existimes constare rationem' would be needless.

nomina nostra in urnam conici. The procedure seems to have been this: when a governor was accused of repetundae, if the provincials did not ask for any particular advocate, the senate named several, who were then selected by sortitio. The provincials, however, often did ask for some particular patronus; cf. iii 4, 2, 'Legati provinciae Baeticae advocatum

opto ut existimes constare rationem, cum omnia facta dictaque mea probare sanctissimis moribus tuis cupiam.

me a senatu petierunt.' The senate then passed a decree, if it consented, that this patronus should be assigned, if he was willing to act. But the form of sortitio was still observed. Hence the words used in this letter. Cf. *Ep.* v. 20, 1, 'quem nuper adversus Bassum advocatum et postularant et acceperant?'

tam moderatae voluntati; with reference to the wording 'ut pateremur,' etc.

§ 3. **constare rationem**; that my reasons were well grounded. Professor Mayor on iii 18, 10, points out that it was originally a mercantile phrase. He cites among other passages, i 5, 16; ii 4, 4; and *Panegyr.* § 38.

sanctissimis. See supra on *Ep.* i 1.

III B [XXI]

TRAIANUS PLINIO S.

1 Et civis et senatoris boni partibus functus es obsequium amplissimi ordinis, quod iustissime exigebat, praestando. Quas partes inpleturum te secundum susceptam fidem confido.

In obeying the senate you have discharged the duty of a good citizen and a good senator. I am confident that you will perform loyally what you have undertaken.

IIII [III]

Petit latum clavum amico

C. PLINIUS TRAIANO IMPERATORI

1 Indulgentia tua, imperator optime, quam plenissimam experior, hortatur me ut audeam tibi etiam pro amicis obligari; inter quos sibi vel praecipuum locum vindicat Voconius Roma-

§ 1. I am emboldened by your kindness to me to ask favours for my friends. Of these none has a greater claim on me than my comrade and fellow-student Voconius Romanus. § 2. I had begged your deified father to admit him into the senate, but his mother had not completed a deed of gift which she had promised, and so the favour is still to grant. § 3-4. These preliminaries have now been arranged, and I venture to appeal to you for my friend, who has cultivated tastes, the entire confidence of his own family, as well as hereditary éclat and considerable wealth. § 5-6. I hope you will consider my interest in him to be an additional recommendation, and that you will confer another distinction on me by honouring my friend.

The letter was evidently written shortly after the death of Nerva, and so probably in 98.

§ 1. **quam plenissimam experior.** Cf. *Ep.* 51, 2, and 94, 3.

Voconius Romanus. Mommsen gives his full title, C. Licinius Voconius Romanus, from C. I. L. ii 3866. Pliny writes to him i 5, iii 13, and probably ii 1, vi 15, vi 33, viii 8, ix 7, ix 28. In ii 13 Pliny says that his father was 'in equestri gradu,' that his mother was of a noble family; that he was adopted by his stepfather; that he was 'eruditum in causis agendis,' and 'epistulas scribit, ut Musas ipsas Latine loqui credas.' According to Mommsen's reading of the passage, he was 'flamen Hispaniae citerioris': a condiscipulus and contubernalis of Pliny, who obtained for him from Nerva the ius trium liberorum, and in ii 13 asks for some appointment for him from Neratius Priscus legate of Pannonia.

condiscipulus et contubernalis

nus, ab ineunte aetate condiscipulus et contubernalis meus.
Quibus ex causis et a divo patre tuo petieram ut illum in am- 2

meus. Cf. ii 13, 'Hunc ego, cum simul studeremus, arte familiariterque dilexi: ille meus in urbe, ille in secessu contubernalis, cum hoc seria, cum hoc iocos miscui.'

ut illum in amplissimum ordinem promoveret. Under the republic there were two means of entering the senate, (1) by the lectio of the censors; (2) by the tenure of the necessary offices, such as the quaestorship, etc. Iulius Caesar had made use of a third means, viz. his own direct nomination, as dictator, and so had filled the senate with Gauls and others, who, it was mockingly said, would have to be shown the way to the senate house. Augustus renounced this right of direct nomination by the princeps. Under him entry into the senate and the various grades of senatorial dignity were gained by passing through the qualifying offices, the quaestorship, the tribunate or aedileship, the praetorship, and the consulship; and the only influence so far exercised by the emperor was by means of his recommendation of the candidati Caesaris, by which a certain number of magistracies, and thus indirectly of admissions to the senate, was virtually in his hands. He was, however, strictly limited by the three necessary qualifications for senatorial rank—(1) free birth, (2) a census of 1,200,000 sesterces, Suet. *Aug.* 41, 'senatorum censum ampliavit ac pro octingentorum millium summa duodecies sestertio taxavit,' and Dio Cass. 55, 13; (3) the attainment of the twenty-fifth year, Dio Cass. 52, 20; Tac. *Ann.* xv 28. While Augustus, however, as princeps, had a very limited power of appointing to the senate, by the possession of the censoria potestas, granted for certain periods and renewed, he could by what was now called 'adlectio' exceed the nominal number of the senate by fresh appointments; Orelli 3146, 'a Tiberio Claudio Caesare Augusto Germanico censore adlecto in senatum,' and Henzen 6005. But by means of the adlectio the emperor could do more than merely admit to the senate; he could promote his nominee at once to one of the higher grades of senatorial rank, although he had not held the offices entitling to the lower ones; see note on decuriones, *Ep.* 8. Thus Orelli 3559, 'adlecto inter praetorios a divis Vespasiano et Tito censoribus'; and Pliny, i 14, 5, 'Minucius Macrinus equestris ordinis princeps. adlectus a divo Vespasiano inter praetorios'; also Orelli 1170. So too he could promote a senator from a lower to a higher class; Henzen, 6461. Although Augustus had limited the senate to those living in Italy (Dio Cass. 52, 20), later emperors admitted many from the provinces; Tac. *Ann.* iii 55, 'simul novi homines e municipiis et coloniis et etiam provinciis in senatum crebro adsumpti domesticam parsimoniam intulerunt'; especially Claudius, Tac. *Ann.* xi 23-25; and Vespasian, Suet. *Vesp.* 9. In all these cases, however, up to the time of Domitian it was not as princeps, but as censor, that the emperors made these appointments; and no adlectio on the part of any of those emperors is recorded who did not have the censorial power. But Domitian in 84 assumed the censorship for life; Dio Cass. 67, 4, 'τιμητὴς διὰ βίου πρῶτος δὴ καὶ μόνος τῶν ἰδιωτῶν καὶ αὐτοκρατόρων ἐχειροτονήθη'; and with it the right of appointing to the senate at any time without restriction. Nerva also, and Trajan, and the later emperors, although they did not retain the perpetual censorship, still retained an unlimited power with regard to senatorial nomination without it. It is of this period that Dio Cass. says (53, 17), 'καὶ τοὺς μὲν καταλέγουσι καὶ εἰς τὴν ἱππάδα καὶ ἐις τὸ βουλευτικόν, τοὺς δὲ καὶ ἀπαλείφουσιν.' So Wilmann, 2243, 'huic divos Hadrianus latum clavum cum quaestura optulit,' Henzen, 5970, and 5317; Plin. *Ep.* ii 9, 'Ego Sexto latum clavum a Caesare nostro . . . impetravi.' In the case of impoverished senators it was not unusual for the emperor to make up the requisite census; Tac. *Ann.* ii 48, xii 52; Suet. *Aug.* 41; *Tib.* 47; *Vespas.* 17; Dio Cass. 52, 19, and 54, 17.

§ 2. **liberalitatem sestertii quadragiens.** The largeness of the sum 40,000,000 sesterces, if we read 'quadringentiens' with Aldus, has always been a difficulty, to meet which Gronovius conjectured 'sestertii quater decies,' and Gesner CCCC HS., or 400,000 sesterces. The Bodleian copy (B.), I think, solves this difficulty by reading 'quadragiens.' 'Quadringentiens,' it is true, is in the margin also in the scribe's hand, but deleted. This reading is confirmed by a citation of the passage in Budaeus, *De*

plissimum ordinem promoveret. Sed hoc votum meum bonitati tuae reservatum est, quia mater Romani liberalitatem sestertii quadragiens, quod conferre se filio codicillis ad patrem tuum scriptis professa fuerat, nondum satis legitime peregerat; quod
3 postea fecit admonita a nobis. Nam et fundos emancipavit et

2 quadragiens, *B. and Budaeus.* quadringentiens, *Ald.* 2 quater decies, *Gronovius.* CCCC HS., *Gesner.*

Asse., bk. iii, who also has 'quadragiens.' On the relation of Budaeus to the Codex Parisiensis, see Introduction, p. 67. It is not necessary to suppose that the money was given to make up the senatorial census of 1,200,000 HS. A provincial with only the minimum census, unless his other claims had been overpowering, would probably have had little chance of receiving the honour. Voconius had already received the inheritance of his father, and Pliny specially recommends him on the ground of the 'paternarum facultatum splendor'; and the bounty of his mother was not so much a *sine qua non* as a splendid endowment for the promised dignity. After all the property was not extraordinarily large. The fortune of Cn. Lentulus, the augur, and Nero's freedman Narcissus, was ten times as large. As Mommsen says, *Rom. Gesch.* v 68, no places enjoyed greater facilities for trade than the towns on the east coast of Spain; and Saguntum, apparently the native town of Voconius (C. I. L. ii 3866 and 3865*a*), not far from the mouth of the navigable river Pallantias, had long been rich and prosperous.

codicillis. Here in its ordinary sense of a letter or petition; cf. Tac. *Ann.* iv 39, 'componit ad Caesarem codicillos'; Suet. *Tib.* 51; *Claud.* 5, etc. Sometimes it means a diploma, or cabinet order of the emperor, Suet. *Tib.* 22, 'hunc tribunus militum custos appositus occidit, lectis codicillis, quibus ut id faceret, jubebatur'; also id. *Calig.* 18, 'sed et senatori ob eandem causam codicillos, quibus praetorem eum extra ordinem designabat.' As a legal term it was a short addition to a will already made; cf. Plin. *Ep.* ii 16, 1, and Tac. *Ann.* 15, 64.

§ 3. **fundos emancipavit.** The 'mancipatio' was the old ceremonial sale 'per aes et libram.' In it, owing to the non-existence of documentary forms, a number of symbolical acts had to be performed, the most important being the traditio or actual delivery of the thing sold or its symbol. Mancipatio could only take place between citizens, and in regard to 'res mancipi,' of which land and slaves were the most important. Besides the vendor ('qui mancipio dat') and the purchaser ('qui mancipio accipit'), five witnesses were required and a libripens with the scales; see Gaius, i 119, and Maine, *Ancient Law*, p. 278. In later times the form of mancipatio was observed as a 'venditio imaginaria' in the cases (1) of making a 'testamentum per aes et libram,' see Maine, p. 217; (2) of emancipating a son from the patria potestas; and (3) of making a donatio or liberalitas to any one consisting of things, included under 'res mancipi.' So in the present instance the fundi were made over to Voconius by his mother by means of a fictitious sale with all its formalities, 'quae in emancipatione inplenda solent exigi.' He would have to place a sesterce in the scales held by the libripens, and say 'hanc ego rem ex iure Quiritium meam esse aio, eaque mihi empta est hoc aere aeneaque libra.' In this sense the phrase 'nummo uno addicere' is used, because the buyer put down a sesterce, 'dicis causa,' *i.e.* for form's sake; cf. Hor. *Sat.* ii 5, 106-8, 'si quis Forte coheredum senior male tussiet, huic tu Dic, ex parte tua seu fundi sive domus sit Emptor, gaudentem nummo te addicere.' Cic. *Rab. Post.* 17, 45, 'ecquis est ex tanto populo qui bona C. Rabirii Postumi nummo sestertio sibi addici velit?' Suet. *Caes.* 50, 'cui bello civili super alias donationes amplissima praedia ex auctionibus hastae nummo addixit.' Orelli, 4358, D. M. M. Herenni Proti. V. A. xxii. M. ii. D. vi. fecerunt parentes M. Herennius Agricola et Herennia Lacena filio: chirographum: ollaria n. iiii, cineraria n. liii intrantibus parte laevaque sunt in monumento T. Flavi Artemidori quod est via Salaria in agro Volusi Basilides ientibus ab urbe parte sinistra donationis causa mancipio accepit M. Herennius Agricola de T. Flavio Artemidoro HS. n. I. libripende M. Herennio Iusto"; also Nos. 4421 and 4425.

cetera quae in emancipatione inplenda solent exigi consum-
mavit. Cum sit ergo finitum quod spes nostras morabatur, 4
non sine magna fiducia subsigno apud te fidem pro moribus
Romani mei, quos et liberalia studia exornant et eximia pietas,
qua hanc ipsam matris liberalitatem et statim patris heredi-
tatem et adoptionem a vitrico meruit. Auget haec et natalium 5
et paternarum facultatum splendor; quibus singulis multum
commendationis accessurum etiam ex meis precibus indulgen-
tiae tuae credo. Rogo ergo, domine, ut me exoptatissimae 6

3 subsigno apud te, *Ald.*[2] subsigno. Adverte, *B.*
subsigno. Adit te, *Ald.*[1] subsigno. Auget, *Cat.*
5 patriis, *Ald.*

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§ 4. **subsigno apud te fidem.** I pledge my good name with you; cf. *Ep.* iii 1, 12, 'idque iam nunc apud te subsigno.' Apud te is the reading of the second Aldine edition. The first edition had 'adit te' after a full stop. B. has the unintelligible reading 'Adverte fidem.'

liberalia studia. Cf. ii 13, 6 and 7, where Pliny says of Voconius, 'Mira in sermone, mira etiam in ore ipso vultuque suavitas. Ad hoc ingenium excelsum, subtile, dulce, facile, eruditum in causis agendis.' In vi 33 he sends him a speech for criticism and revision. He may possibly be the Voconius of whom Appuleius (Apol. i p. 95, ed. Lugd. 1604) relates 'Divus Hadrianus cum Voconii amici sui poetae tumulum versibus veneraretur ita scripsit—lascivus versu, mente pudicus erat'; Pauly, *Real Encyclop.* vol. vii p. 2722.

statim patris hereditatem. The greatest honour which a father could show to a son was to make him his sole heir. Cf. Cic. *pro Quint.* iv, 'moritur in Gallia Quintius, . . et moritur repentino; heredem testamento reliquit hunc P. Quintium, ut, ad quem summus moeror morte sua veniebat, ad eundem summus honos quoque perveniret.' Testamentary dispositions were looked upon as the 'suprema iudicia' of the deceased. Suet. *Aug.* 66, 'amicorum tamen suprema iudicia morosissime pensitavit.' So on the other hand for a son to refuse the hereditas was most dishonourable; see Cic. *Phil.* ii 16, 'Quamquam hoc maxime admiratus sum mentionem te hereditatum ausum esse facere, cum ipse hereditatem patris non adisses.'

adoptionem a vitrico. Cf. ii 13, 4, 'clarior vitricus, immo pater alius: nam huic quoque nomini pietate successit.' The double gentile name Licinius and Voconius points to the fact of the adoption, the former being that of the adoptive father. See Mommsen, *Hermes*, iii, on adoption and change of names among the Romans.

§ 5. **natalium,** pedigree; cf. iii 20, 6, 'Non numquam candidatus aut natales competitoris aut annos aut etiam mores arguebat'; and vi 23, 3, 'Quod si cui, praestare Rusoni meo debeo, vel propter natales ipsius, vel propter eximiam mei caritatem'; and Juv. viii 231, 'Quid, Catalina, tuis natalibus atque Cethegi Inveniet quisquam sublimius?' Cf. also *infra Ep.* 12 and 72. Professor Mayor also cites Tac. *Hist.* iv 15; *Ann.* xi 21. Though the father of Voconius was only of equestrian rank, the importance of the family in Hispania Citerior is evidenced by the two Saguntine inscrip., and also by Pliny's words in ii 13, 4.

paternarum facultatum splendor. See *supra.*

exoptatissimae mihi gratulationis. 'A joy which I so exceedingly covet.' Cf. Cic. *pro Mur.* 5, 'hic parenti suo . . solatio in laboribus, gratulationi in victoria fuit.'

§ 6. **honestis, ut spero, adfectibus meis,** to what I hope is an honourable affection. For the plural used in this sense, cf. Juv. xii 10, 'Si res ampla domi similisque adfectibus esset,' on which passage Professor Mayor cites Plin. *Ep.* ii 1, 8, 'ille mihi tutor relictus adfectum parentis exhibuit'; iv 19, 1; viii 11, 1; and ix 13, 16; to which add *Panegyr.* 79, 'temptabitque adfectus nostros, ut solet, cohibere, nec poterit,' where I think Lewis and Short are wrong in explaining it as 'low or ignoble passion.'

mihi gratulationis conpotem facias et honestis, ut spero, adfectibus meis praestes ut non in me tantum verum et in amico gloriari iudiciis tuis possim.

iudiciis tuis. For iudicia in the sense of 'recognition of a person's merits,' see Tac. *Ann.* iv 39, '(Seianus) benevolentia patris Augusti, et mox plurimis Tiberii iudiciis ita insuevisse'; Cic. *Ros. Am.* 37, 108, 'de quo nomine vos tanta et tam praeclara iudicia fecistis.' Cic. *ad Fam.* x 1, 4, 'quicquid in eum iudicii officiique contuleris,' and xiii 46, 'ut . . . hominem probatum existimares qui patroni iudicio ornatus esset'; also Plin. *Ep.* iv 8, 1, 'gravissimi Principis iudicium.'

V [IIII]

Civitatem Romanam Harpocrati iatraliptae suo petit

C. PLINIUS TRAIANO IMPERATORI

1 Proximo anno, domine, gravissima valitudine usque ad periculum vitae vexatus, iatralipten adsumpsi; cuius sollicitudini et studio tuae tantum indulgentiae beneficio referre gratiam
2 parem possum. Quare rogo des ei civitatem Romanam. Est

§ 1. During my dangerous illness of last year I called in an iatraliptes whom I can only adequately reward with your help. § 2. I therefore beg that you will confer on him the 'civitas.' At present he is a peregrinus, having been emancipated by his patrona Thermuthis now dead. I also beg you to grant the 'ius Quiritium' to two freedwomen of Antonia Maximilla, at whose request I make this petition.

From *Ep.* 8, 3, *infra*, it appears that Pliny's illness was either simultaneous with or only just before the fatal illness of Nerva; *i.e.* either at the end of 97 or the beginning of 98. This letter is probably written therefore in 99; or it may be 98, as Keil decides.

§ 1. **gravissima valitudine**; see *Ep.* 8, 3, 'sed primum mea deinde patris tui valitudine.'

iatralipten, a physician standing half way between the γυμναστής and the ἰατρός, whose treatment depended on diet, bodily exercise, and systematic rubbing and anointing of the body. The elder Pliny (*Nat. Hist.* 29, 2) assigns the invention of the treatment to Prodicus of Selymbria 'Nec fuit postea quaestus modus, quoniam Prodicus Selymbriae natus . . . instituens quam vocant Iatralipticen reunctoribus quoque medicorum ac mediastinis vectigal invenit.' Cf. Plato, *de Repub.* 406 A.C. who gives the name as Herodicus. Cf. Celsus, i 1. Some members of this profession made the training of gladiators a speciality, Juv. iii 76; others made a more dishonourable use of their professional attendance, Juv. vi 422. The gymnasium, without which no villa was complete (*Ep.* ii 17, 7), was principally designed for purposes of iatraliptice. The treatment was the subject of conversation at a banquet given by Apicius, at which Isidorus one of its votaries was present, hale and hearty in his ninety-first year, Aelian, ed. Hercher, ii 240, quoted by Friedländer, vol. ii p. 469; Petron, c. 28.

gratiam parem: an adequate thank-offering. Cf. Cic. *pro Sull.* 16, 47. 'magno meo beneficio affecti cumulatissime mihi gratiam rettulerunt,' and Phil. iii 15, 39.

§ 2. **civitatem Romanam.** Under the republic the political rights involved in the civitas had been (1) ius suffragii (2) ius honorum (3) ius provocationis. Of those under the empire the last alone remained absolute. The ius suff. had lost all meanimg, while the ius honorum, as far at least as the senatorial 'cursus honorum' was concerned, was subject to certain modifications. Thus the Roman citizens in Gaul were definitely excluded from the senate by Augustus, Tac. *Ann.* xi 23. By Claudius and other later emperors indeed they were admitted, but Trajan by enacting that all provincial

enim peregrinae conditionis, manumissus a peregrina. Vocatur ipse Harpocras, patronam habuit Thermuthin Theonis, quae

2 matronam habet, *B. and Ald.*[1] patronam habuit, *Cat.* patronam habet *Ald.*[2]

candidates for office should invest one-third of their property in Italian land (Plin. *Ep.* vi 19), put a very practical limit upon admission into the senate. In addition to the political rights Roman citizens were protected by the lex Porcia and lex Sempronia from shameful forms of punishment. More important were the private rights (1) ius conubii, without which there was no patria potestas nor ius agnationis (2) ius commercii, which involved the right of acquiring and alienating property ex iure Quiritium, and also the right of testamentary disposition and inheritance according to the civil law. The civitas might be acquired (1) by birth (2) by manumission (3) by direct bestowal either to communities or individuals. (1) All persons born in lawful wedlock from burgesses of municipia or coloniae civium Romanorum were themselves cives. (2) Freedmen manumitted with the full ceremonial, iusta manumissio, by citizens gained the civitas. Those, on the other hand, whose masters had omitted the full ceremonial, or had only had dominium in bonis over them, became 'Latini Iuniani.' The direct bestowal of the 'civitas' had under the republic been the privilege of the Comitia Tributa or Centuriata. Cf. Livy, iv 4, 6, 7; Dionys. 5, 40. Thus it was by the Lex Iulia and a subsequent plebiscitum that the socii were admitted to the civitas after the Social war. It was, however, the custom occasionally to delegate this power (1) to the commissioners sent out to establish Roman colonies Cic. *Brut.* 20, 79, *pro Balbo* 21, 48; (2) to generals after victory Cic. *pro Balbo*, 8, 19; 14, 32, and 20-22. This latter usage in the course of time received an important modification. The generals came to be entrusted on their appointment with the general power of conferring the civitas, which they generally used mainly as a means of enlisting non-citizens into the leigonary forces. This was done to a large extent by Marius (Plutarch, *Mar.* 28, Cic. *pro Balb.* 20); by Sulla (Cic. *pro Arch.* 10); by Pompeius (Cic. *Phil.* 1, 10), while by Caesar, whole legions were so formed, called vernaculae legiones (see Mommsen in *Hermes*, xix, p. 13). Under the empire all these powers passed naturally to the princeps. He could either confer the civitas on whole communities by establishing a colony of Roman citizens, Tac. *Ann.* xiv 27, 'vetus oppidum Puteoli ius coloniae et cognomentum a Nerone apiscuntur,' or by raising a town with the Latin right into a municipium; or he could confer it on individuals. In regard to this last point the custom of different emperors varied. Augustus was very sparing with it; Suet. *Aug.* 40, 'magni praeterea existimans sincerum atque ab omni colluvione peregrini ac servilis sanguinis incorruptum servare populum, et civitatem Romanam parcissime dedit, et manumittendi modum terminavit,' also c. 47. See also Tac. *Ann.* i 58, and Dio Cass. 56, 33. Claudius was more generous with it; Dio Cass. 60, 17, '*συχνοὺς δὲ δὴ καὶ ἄλλους ἀναξίους τῆς πολιτείας ἀπήλασε καὶ ἑτέροις αὐτὴν καὶ πάνυ ἀνέδην, τοῖς μὲν κατ' ἄνδρα, τοῖς δὲ καὶ ἀθρόοις ἐδίδου.*' Nero even granted it to a number of Greek Pyrrhic dancers; Suet. *Nero*, 12, 'quibus post editam operam diplomata civitatis Romanae singulis obtulit.' Galba on the other hand, Suet. *Galb.* 14, 'civitatem Romanam raro dedit.' See also Tac. *Hist.* i 78, and *infra Ep.* 107. See also Suet. *Gramm.* 22, 'tu Caesar civitatem dare potes hominibus, verbo non potes,' Dio Cass. 57, 17. Mommsen has lately shown in *Hermes*, xix, that the civitas was very commonly given to non-citizens on their enlistment in the legions. The diplomata militaria (see C. I. L. iii) show that it was also frequently granted to the auxiliary troops serving in the cohortes and alae on the completion of their twenty-five years' service; also Tac. *Ann.* i 58, 'Segestes a divo Augusto civitate donatus.' Some emperors sold the civitas; cf. Acts of the Apostles, 22, 28, '*ἐγὼ πολλοῦ κεφαλαίου τὴν πολιτείαν ταύτην ἐκτησάμην.*' Freedmen who obtained the civitas either by manumission or direct bestowal had not the ius honorum, though their descendants had it; while all new citizens were subject to the heavy 'vicesima hereditatum' unless they received the ius cognationis from the

iam pridem defuncta est. Item rogo des ius Quiritium libertis Antoniae Maximillae, ornatissimae feminae, Hediae et Antoniae Harmeridi; quod a te petente patrona peto.

emperor. Cf. Plin. *Panegyr.* § 37, 'novi (cives) seu per Latium in civitatem seu beneficio principis venissent, nisi simul cognationis iura inpetrassent, alienissimi habebantur quibus coniunctissimi fuerant.'

peregrinae condicionis. The peregrini were strictly all those who were strangers to the Roman state, and so included the Latini, who were thus the most privileged class of peregrini. Since however, they possessed a modified kind of civitas, and since a Latin by passing through certain offices in his town became ipso facto a civis Romanus, the Latini were generally regarded as an intermediate class. Among the peregrini proper there were numerous gradations, according as they belonged to a libera civitas, or to a civitas foederata (in which case again all depended on the nature of the foedus) or to a civitas stipendiaria. Medical men at Rome were as a rule peregrini except those rewarded as here with the civitas. Cf. Suet. *Aug.* 42, 'peregrinosque omnes, exceptis medicis et praeceptoribus . . . urbe expulit.'

manumissus a peregrina. Naturally a freedman could never by the mere fact of manumission rise to a higher grade of privilege than his patron, nor would the full ceremonial of manumissio be completed by a non-citizen.

vocatur ipse Harpocras. The peregrini are always designated officially by one name only and the name of the father: cf. Theomuthis Theonis and *passim* the names of the auxiliary soldiers in the mil. diplomata. Thus C. I. L. iii p. 844 *seqq.* Diomedes Artemonis, f.; Reburrus Severi f.; Thoemus Horati, f., etc. On becoming a citizen Harpocras would probably assume the nomen Ulpius. Cf. the number of Claudii and Iulii to be found in Gaul.

patronam. On this sense of the word *i.e.* the former master of a freedman, cf. Tac. *Hist.* ii 2, 'corrupti in dominos servi, in patronos liberti.'

ius Quiritium. That Antonia Maximilla was herself a Roman citizen is clear from the context, but as a woman she was not able to employ the iusta manumissio, *i.e.* man. vindicta or man. censu; she would therefore use one of the less formal methods man. inter amicos, or per epistulam or per mensam. By the lex Iunia Norbana of 19 A.D., freedmen so manumitted had not the complete civitas but were in a class by themselves called 'Latini Iuniani,' with rights not dissimilar to those of the Latin colonists. Cf. Tac. *Ann.* xiii 27. 'Quin et manumittendi duas esse species institutas; quos vindicta patronus non liberaverit velut vinclo servitutis attineri.' These Latini Iuniani, however, could obtain the full civitas by obtaining from the emperor the ius Quiritium: Ulpian iii 2, 'beneficio principali Latinus civitatem Romanam accipit, si ab imperatore ius Quiritium impetraverit.' While therefore peregrini when they became citizens were said to receive the 'civitas Romana,' the Latini on becoming citizens received the 'ius Quiritium,' *i.e.* those rights, principally in respect of Quiritary ownership, inheritance, and testamentary disposition according to the 'ius civile' which was wanting to the Latinitas. So Suet. *Claud.* 19, mentioning the privileges which Claudius granted to various classes specifies, 'civi vacationem legis Papiae Poppaeae; Latino ius Quiritium; feminis ius quatuor liberorum.' Also *infra Ep.* 104, 'Paulinus excepto Paulino ius Latinorum suorum mihi reliquit: ex quibus rogo tribus interim ius Quiritium des;' also *Ep.* 11.

Hediae et Antoniae Harmeridi. Instead of Antoniae Harmeridi Mommsen conjectures Agathemeridi. In any case they would both be named Antonia, the gentile name of their patrona.

petente patrona. Gaius, iii 72, explains the consequences of this condition not being fulfilled. 'Si Latinus invito vel ignorante patrono ius Quiritium ab imperatore consecutus sit, quibus casibus, ut divus Traianus constituit, dum vivit iste libertus ceteris civibus Romanis libertis similis est, et iustos liberos procreat, moritur autem Latini iure, nec ei liberi eius heredes esse possunt; et in hoc tantum habet testamenti factionem, ut patronum heredem instituat, eique si heres esse noluerit, alium substituere possit.' Also Gaius, iii 56-58; and Sandars *Institutes of Justinian*, p. 93, and for the whole question see Pauly, *Real Encyclop.* sub voc., Manumissio, Latini Iuniani, and Ius Quiritium.

VI [XXII]

Agit gratias

C. PLINUS TRAIANO IMPERATORI

1 Ago gratias, domine, quod et ius Quiritium libertis necessariae mihi feminae et civitatem Romanam Harpocrati, iatraliptae meo, sine mora indulsisti. Sed cum annos eius et censum, sicut praeceperas, ederem, admonitus sum a peritioribus debuisse me ante ei Alexandrinam civitatem inpetrare, deinde Romanam, quoniam esset Aegyptius. Ego autem, quia inter Aegyptios 2

§ 1. I thank you, sire, that you have conferred the ius Quiritium upon the freedwomen of my friend Antonia, and the civitas on my physician, Harpocras. But in furnishing, according to your directions, his age and census, I was reminded that as an Egyptian he ought to receive the Alexandrine franchise first. § 2. Not knowing this, I omitted to mention all particulars except the fact of his having been manumitted by a patrona now dead. I now beg you to grant him both the Alexandrine and the Roman civitas. His age and census I have already sent to your freedmen.

§ 1. **annos eius et censum**: previous to his registration in one of the tribes.

ederem. The verb is often used in the sense of making an official return. Cf. Cic. *Legg.*, 3, 20, 47 (quoted in Lewis and Short), 'apud eosdem (censores) qui magistratu abierint edant quid in magistratu gesserint.' Ovid, *Met.* iii 581; and jocularly in Horace, *Sat.* ii 4, 10, 'Ede hominis nomen, simul et Romanus an hospes.'

debuisse me ante ei Alexandrinam civitatem inpetrare. There were in Egypt two classes of inhabitants broadly distinguished from one another, the citizens of the Greek cities, such as Alexandria, Ptolemais, Naucratis and Paraetonion, and the Egyptians belonging to the nomes. To Egypt generally the civitas Alexandrina was what the Romana civitas was to the Roman world, and neither the Ptolemies nor after them the emperors ever, except in very special circumstances, gave this civitas to the Egyptians. Iosephus, *contra Apionem* 2, c. 6, 'Aegyptiis neque regum quisquam videtur ius civitatis fuisse largitus neque nunc quilibet imperatorum.' So too the Roman civitas was given to the citizens of the Greek cities in Egypt as to any other peregrini, but never to the Egyptians from the nomes. See Iosephus, *cont. Ap.* 2, 4, '*μόνοις Αἰγυπτίοις οἱ κύριοι νῦν Ῥωμαῖοι τῆς οἰκουμένης μεταλαμβάνειν ἡστινοσοῦν πολιτείας ἀπειρήκασιν.*' Even the former class were not cives optimo iure, for they were excluded from the senate and were without the ius honorum, Dio Cass. 51, 17. Not even by way of enlistment in the legions do the Egyptians seem to have been able to gain the Roman franchise, as whenever their homes are stated in inscriptions, they are the Greek cities and not the nomes. See Ephemeris Epigraphica, vol. v p. 13, and Mommsen *Rom. Gesch.* vol. v p. 561. Pliny's ignorance of this rule would seem to show however, that it had not always been rigidly observed, and even Trajan makes an exception in this case.

§ 2. **esse eum a peregrina.** This is the reading of B. for the unintelligible 'etsi eum' of Avantius. Aldus conjectures 'scilicet eum.'

per quam stetit ut. The phrase is very rarely followed by an affirmative. Lewis and Short quote one case, Ter. *Andr.* iv 2, 17, 'sed si id non poterit, id faciam in proclivi quod est, per me stetisse ut credat.' Gesner quotes Quintilian, *Declamat.* 250, 'fortasse per te stetit, ut iniuriam hic quoque faceret.'

obligarer, cf. *supra Ep.* 4, pro amicis obligari.

libertis tuis. All the imperial secretaries like the 'ab epistulis, a libellis, a censibus' would have a numerous staff of liberti at their disposal. The reports sent in to the emperor from these various

ceterosque peregrinos nihil interesse credebam, contentus fueram hoc solum scribere tibi, esse eum a peregrina manumissum patronamque eius iam pridem decessisse. De qua ignorantia mea non queror, per quam stetit ut tibi pro eodem homine saepius obligarer. Rogo itaque, ut beneficio tuo legitime frui possim, tribuas ei et Alexandrinam civitatem et Romanam. Annos eius et censum, ne quid rursus indulgentiam tuam moraretur, libertis tuis quibus iusseras misi.

bureaus were called 'breviaria,' Suet. *Vesp.* 21, and Marquadt, *Staatsverw.*, vol. ii p. 217. For Trajan's treatment of his liberti see *Panegyr.* § 88, 'Tu libertis tuis summum quidem honorem, sed tanquam libertis habes, abundeque sufficere iis credis, si probi et fugi existimentur.'

VII [XXIII]

TRAIANUS PLINIO S.

Civitatem Alexandrinam secundum institutionem principum non temere dare proposui. Sed cum Harpocrati, iatraliptae tuo, iam civitatem Romanam inpetraveris, huic quoque petitioni tuae negare non sustineo. Tu ex quo nomo sit notum

2 eum scilicet, *Ald.* esse eum, *B.* etsi eum, Avant.
1 institutiones, *B.*

Following the precedent of my predecessors I only grant the Alexandrine civitas in exceptional cases. However, as I have already promised the Roman civitas, I cannot refuse you this. You will have to inform me of the home of Harpocras, that I may write concerning him to Pompeius Planta, praefect of Egypt.

§ 1. **secundum institutionem principum.** The emperors had throughout a special policy in Egypt which Tacitus *Ann.* ii 59 ranks 'inter alia dominationis arcana.'

negare non sustineo. For this construction of sustineo, cf. Juv. xiv 127, 'neque enim omnia sustinet unquam Mucida caerulei panis consumere frusta,' and xv 88, 'sed qui mordere cadaver Sustinuit;' also Plin. *Ep.* ix 13, 6, 'sed non sustinui inducere in animum; and *Panegyr.* § 26, 'tu ne rogari quidem sustinuisti.'

ex quo nomo sit. The country portion of Egypt, ἡ χώρα as opposed to the Greek cities, was divided under the Ptolemies, and remained so under the empire into νομοί, originally thirty-six in number (Diodor. i 54), but afterwards apparently increased to forty-seven. Each νομός had a μητρόπολις, but this neither had a municipal government itself, nor was the administrative centre of the νομός. The real centre of the district was the sanctuary of some deity. The νομοί were under στράτηγοι, who were subordinate to the ἐπιστράτηγοι of Thebais, Heptanomis, and the Delta. These again were under the praefectus. The στράτηγοι were either Greeks or Egyptians and were nominated by the praefectus for three years; the office was without salary, and was one of the Χωρικαὶ λειτουργίαι from which citizens of Alexandria were exempt.

Pompeium Plantam. Planta is mentioned as having just died in *Ep.* ix 1; the date of which book is fixed by Mommsen as probably about 108 A.D. A scholium to Juv. ii 99 states that

mihi facere debebis, ut epistulam tibi ad Pompeium Plantam, praefectum Aegypti, amicum meum, mittam.

Pompeius Planta wrote an account of the war between Vitellius and Vespasian. Teuffel's *Rom. Literat.* 341, 9.

praefectum Aegypti. On account of the character of its population, its position, and the vital importance of its corn trade, Egypt was not treated like the other provinces, and the ordinary provincial administration had no place here. The emperors succeeded directly to the position of the Ptolemies, and they kept the administration in their own hands, appointing as viceroy a praefect of equestrian rank; Tac. *Hist.* i 11, 'Aegyptum copiasque, quibus coerceretur, iam inde a Divo Augusto equites Romani obtinent loco regum. Ita visum expedire, provinciam aditu difficilem, annonae faecundum, superstitione ac lascivia discordem, ac mobilem, insciam legum, ignaram magistratuum, domi retinere.' So Strabo xvi p. 797, says, 'ὁ μὲν οὖν πεμφθεὶς (ἔπαρχος) τὴν τοῦ βασιλέως ἔχει τάξιν.' Plin. *Nat. Hist.* v 57, 'Cum crescit Nilus reges aut praefectos navigare eo nefas iudicatum est.' Arrian. *Anab.* 3, 5, 10. See also Tac. *Ann.* ii 59; Dio Cass. 51, 17. Iosephus calls the praefect ὁ ἱππαρχῶν κατὰ τὴν Αἴγυπτον, *Ant. Iud.* xix 5, 2. They really belonged to the class of procuratores, but received the special title of praefecti, as having a higher position, and being in command of legionary troops. Augustus had ruled that their decrees should have the same force as the edicts of Roman provincial governors, Tac. *Ann.* xii 60. The praefect was the supreme judicial authority, had charge of the finances, and was responsible directly to the emperor himself, Philo, *in Flaccum*, xii p. 533. His official abode was Alexandria, from whence he made rounds of inspection from time to time. His tenure of office depended on the emperor's will. See Marquadt, *Staatsverw.* i pp. 441-444, and Mommsen, *Rom. Geschichte* vol. v, pp. 553, 554.

VIII [XXIIII]

De statuis principum in municipium transferendis

C. PLINIUS TRAIANO IMPERATORI

1 Cum divus pater tuus, domine, et oratione pulcherrima et honestissimo exemplo omnes cives ad munificentiam esset cohortatus, petii ab eo ut statuas principum, quas in longinquis agris per plures successiones traditas mihi quales acceperam

§ 1. When your predecessor, sire, both by precept and example, urged all citizens to acts of public generosity, I begged him to allow me to transfer some statues of the emperors from a country-house of mine to the neighbouring town; and to place his among the number. § 2. He most kindly consented, and I wrote at once to the decurions asking for a site, as I intended to build a temple at my own expense. They left the selection of a site to me. § 3. But I was hindered by my illness, then by your father's death and the duties of my appointment at Rome. The present seems a convenient time for me to get away. My month of duty ends on the 1st of September, and the next month has several holidays. § 4. I beg, therefore, that you will allow me to add your statue to the work, and grant me leave of absence. § 5. I must not conceal the fact that you will greatly assist by this my private affairs. I have lands in that quarter which bring in 400,000 HS. a year, and for which new tenants must be found at once, as they will have to look after the trimming of the vines. Bad seasons also compel me to make some remissions of rent, about which I can only decide on the spot. § 6. I shall owe, therefore, to your kindness both the speedy accomplishment

custodiebam, permitteret in municipium transferre adiecta sua statua. Quod quidem ille mihi cum plenissimo testimonio in-

2 quodque ille, *B. and Ald.*

of my proposed undertaking and the settlement of my private concerns, if you will grant me leave of absence for thirty days, as my estate is distant more than 150 miles.

The date of this letter depends on the question whether Caecilius Classicus was accused in 99 or 101. Cf. *Ep.* iii 4, 2. 'Cum publicum opus pecunia mea inchoaturus in Tuscos excucurrissem accepto, ut praefectus aerari, commeatu, legati, provinciae Baeticae questuri de proconsulatu Caecili Classici advocatum me a senatu petierunt.' See *supra* note on *Ep.* 3 § 2 p. 83. If we decide with Mommsen, the letter was written in August 101.

honestissimo exemplo. Instances of Nerva's public munificence are (1) the institution of the alimentationes in Italian towns, testified to by Aurelius Victor, *Epit.* c. xii, and coins (Eckhel, vi p. 408, and Cohen, No. 121) with legend 'Tutela Italiae' and figures of a woman and child coming before the emperor. See introduction p. 10; (2) provision for the corn supply (Echkel, vi p. 408, has coins with legend 'Plebei urbanae frumento constituto'); (3) the purchase of land for poor citizens, Dio Cass. 68, 2; (4) the completion of the Forum transitorium begun by Domitian; and of the temple of Minerva. Suet. *Dom.* 5; Aur. Vict. *Epit.* xii; Mart. i 3, 10.

The example of Nerva was not only followed by Trajan and his successors, in connection with the 'alimentationes' (see introd. p. 10), and the Tabulae of Veleia and Ligures Baebiani, but also by a number of private individuals. Pliny himself, in addition to the temple mentioned in the present letter, founded (1) a library in Comum, i 8, 2 (though this was under Domitian); (2) an endowment of 500,000 sesterces for the education of boys and girls in Comum, i 8, 10; i 5; and vii 18, 2; (3) he offers to pay the third part of the salary of a professor of rhetoric at Comum, if the town will provide the rest, iii 13, 5; (4) repairs a temple of Ceres near one of his estates, ix 39, 1; (5) by his will Thermae were to be established at Comum, and a capital sum of 300,000 sesterces set apart as an endowment for their internal maintenance, and 200,000 for repairs, etc., inscription, p. 16; (6) also by his will he leaves an endowment of 1,866,666⅔ sesterces for an annual alimentation for a hundred of his freedmen, and on their decease for a public feast, inscrip. p. 16. Nor did Pliny stand alone. A similar bequest for his freedmen is found in the testament of Dasumius. Bruns *Fontes Iur. Rom.* p. 229, ed. 1879; see also the will of Flavius Syntrophus *Henzen*, 7321; an honorary inscription to A. Quintitius Priscus by the senate of Ferentinum for charitable bequests to the municipium. Bruns *Font. Iur. Rom.* p. 227. So too Caninius Rufus, Pliny's fellow-townsman, established an endowment for a public entertainment, *Ep.* vii 18, 1; and Calpurnius Fabatus built a public porticus, and also promised money for the adornment of the gates, v 11, 1.

in longinquis agris. This was his Tuscan estate, a villa described at length in v 6, and alluded to, v 18; ix 15; ix 36, 40; iv 1; and iii 4.

per plures successiones. Cf. i 12, 4. 'Nam plerumque morbi quoque per successiones quasdam, ut alia, traduntur.'

in municipium. See iv 1, 4, 'oppidum est praediis nostris vicinum; nomen Tiferni Tiberini, quod me paene adhuc puerum patronum cooptavit.' Tifernum Tiberinum was a town in Umbria near the head waters of the Tiber. It was so called to distinguish it from Tifernum Metaurense, also in Umbria, but on the Metaurus: see Plin. *Nat. Hist.* iii 5.

adiecta sua statua. Nerva was not as fond as some emperors of having statues erected in their honour, and golden statues he altogether forbade. Dio Cass. 68, 2, 'ἀπεῖπε δὲ καὶ ἀνδριάντας αὐτῷ χρυσοῦς γίγνεσθαι.'

cum plenissimo testimonio. On another occasion also Nerva had borne witness to Pliny's merits. See vii 33. In 93, when Baebius Massa had been condemned, and his goods were to be publicly guarded, there seemed some probability that the consuls, possibly with the connivance of Domitian, would execute this part of the sentence somewhat laxly. Senecio and Pliny, therefore, the two accusers, went to the consuls on the subject, when Massa accused Senecio of impiety towards the emperor. Pliny

dulserat; ego statim decurionibus scripseram ut adsignarent solum in quo templum pecunia mea extruerem; illi in hono-

thereupon said, 'Sed vereor, clarissimi consules, ne mihi Massa silentio suo praevaricationem obiecerit, quod non et me reum postulavit.' Pliny goes on, 'Divus quidem Nerva (nam privatus quoque attendebat his quae recte in publico fierent) missis ad me gravissimis litteris non mihi solum verum etiam saeculo est gratulatus, cui exemplum (sic enim scripsit) simile antiquis contigisset.'

decurionibus. The decurions or conscripti (*lex Iul. Municip.*, line 85), less frequently senatores (Tac. *Hist.* v 19), or collectively ordo decurionum, or ordo alone (Tac. *Hist.* ii 52 ordo Mutinensis) and in later times curiales (Orelli, 3729), were the senate in all towns of Italian constitution not only in Italy itself, but in the provinces. Cf. *infra Ep.* 113 and 115; and Orelli 4980, 'decurio civium Romanorum Mogontiaci.' They were usually 100 in number (Cic. *de leg. agrar.* 2, 35, 96), and are sometimes called centumviri. Orelli, 3448, 3739. See also the album of Canusium referred to below. Under the empire election to the 'ordo' took place every five years under the authority of the quinquennales, whose duty it was to prepare the 'album' (*lex Iulia Mun. ad init.*). Election to any vacancies was made (1) from those who were qualified through having held the quaestorship or any of the higher magistracies; (2) from those who, though not yet elected magistrates, have the necessary qualifications, and also the senatorial census. These latter when elected were called 'pedani.' The others were arranged in the album according to the dignity of the offices they had held, as, *e.g.* quinquennalicii, duoviralicii, aedilicii, quaestoricii. In addition to these ordinary classes, persons without any of these qualifications, but who had performed some special service to the community, were sometimes added to the ordo either by the decuriones themselves, or even by the emperor. These were called adlecti (Cf. Suet. *Claud.* 24 and *Vespas.* 9, for this use of the word adlego), and they might be ranked in any of the classes already mentioned. Thus 'adlecti inter duoviralicios, etc.' So Pliny, speaking of the Roman senate, *Ep.* i 14, 5, says, 'Minucius Macrinus equestris ordinis princeps adlectus a divo Vespasiano inter praetorios.' To these various classes who all voted and were included in the hundred, there were two other classes, who are added to the album, and who might be present at meetings of the ordo, but were only honorary or formal members. There were—(1) the patroni, *i.e.* Roman senators or equites appointed patroni by the local senate. These were placed first in the album, *Dig.* 50, 3, 2. 'In albo decurionum in municipio nomina ante-scribi oportet eorum qui dignitates principis iudicio consecuti sunt, postea eorum, qui tantum municipalibus honoribus functi sunt;' (2) the praetextati or sons of the senators who were allowed to be present, but had no vote. Thus in the Album Canusinum (Orelli, 3721) there are thirty-one patroni c.c.v.v. (clarissimi viri), eight patroni e.e.q.q.R.R. (equites Romani), seven quinquennalicii, four adlecti inter quinquen., twenty-nine duoviralicii, nineteen aedilicii, nine quaestoricii, thirty-two pedani, twenty-five praetextati, *i.e.* 164 in all, but exactly 100 when the patroni and praetextati are subtracted. Pliny was himself a patronus of Tifernum, probably an hereditary one, as he was appointed when a boy, 'quod me paene adhuc puerum patronum cooptavit,' and was therefore on the album decurionum of the town. For the change in the position of the decuriones in later times see note on *Ep.* 113.

ut adsignarent solum in quo templum pecunia mea extruerem. The abbreviations L.D.D.D. loco dato decreto decurionum, and D.S.P. de sua pecunia are very common on dedicatory inscriptions. The following is an interesting one, and bears a close resemblance to what Pliny's dedication may have been at Tifernum. Wilmann, 307.

'Veneri Verae felici Gabinae A. Plutius Epaphroditus, accensus velatorum, negociator sericarius, templum cum signo aereo effigie Veneris, item signis aereis numero IIII dispositis, in Zothecis et balbis aereis, et aram aeream et omni cultu a solo sua pecunia fecit cuius ob dedicationem divisit decurionibus singulis denarios quinos, item seviris Augustalibus singulis denarios binos, item tabernaris intra murum negotiantibus denarios singulos, et HS. decem millia nummum reipublicae Gabinorum intulit, ita ut ex usuris ejusdem summae quod annis iv Kal. Octobr. die natali Plutiae Verae

3 rem operis ipsius electionem loci mihi obtulerant. Sed primum mea, deinde patris tui valitudine, postea curis delegati a vobis officii retentus, nunc videor commodissime posse in rem praesentem excurrere. Nam et menstruum meum Kalendis Septembribus finitur et sequens mensis complures dies feri-
4 atos habet. Rogo ergo ante omnia permittas mihi opus quod inchoaturus sum exornare et tua statua, deinde, ut hoc facere
5 quam maturissime possim, indulgeas commeatum. Non est au-

4 Kalendis Septembribus, *B.* Kal. Septembris, *Ald.*

filiae suae decuriones et seviri Augustales publice in tricliniis suis epulentur: quod si facere neglexerint, tunc ad municipium Tusculanorum HS. decem millia nummum pertineant, quae confestim exigantur. Loco dato decreto decurionum: dedicata Idibus Maiis. L. Venuleio Aproniano II L. Sergio Paulo II Coss. (*i.e.* 169 A.D.)

§ 3. **primum mea.** See on *Ep.* 5 § 1.

deinde patris tui valetudine. This can hardly be any other than Nerva's last illness in January 98.

curis delegati a vobis officii. What kind of duties belonged to the analogous office of praefectus aerarii militaris we see from i 10, 9. 'Nam distringor officio ut maximo sic molestissimo. Sedeo pro tribunali, subnoto libellos, conficio tabulas, scribo plurimas sed inlitteratissimas litteras.'

a vobis. See note on indulgentia vestra, *Ep.* 3, 1.

in rem praesentem, to the spot. Cf. 'in re praesenti,' *Ep.* 50, and the note ad loc. also Prof. Mayor's note on iii 9, 26.

excurrere. Cf. iii 4, 2, 'cum publicum opus mea pecunia inchoaturus in Tuscos excucurrissem,' where Professor Mayor cites, Suet. *Galb.* 18, 'cumque exterritus luce prima ad expiandum somnium, praemissis qui rem divinam appararent, Tusculum excucurrisset.'

menstruum meum Kalendis Septembribus finitur. Under the republic even the consuls in war held the chief command in monthly rotation. Cf. Dionys. 4, 43, '*ἦν δὲ ἡ τοῦ μηνὸς ἐκείνου ἡγεμονία τῷ Κοιντίῳ προσήκουσα, ὥστε ἀναγκαῖον ἦν τὸν ἕτερον τῶν ὑπάτων μηδὲν ἄκοντος ἐκείνου ποιεῖν.*' Cic. *de Repub.* ii 31, 55. With regard to the higher magistracies this monthly rotation ceased under the later republic and was revived by Caesar. Suet. *Caes.* 20: 'antiquum rettulit morem, ut quo mense fasces non haberet, accensus ante eum iret, lictores pone sequerentur.' For the subordinate offices, where the business was chiefly routine, this monthly rotation was no doubt always the rule. On the date of the letter see above. Aldus read Kal. Septembris, which G. H. Schaeffer was the first to emend to Kalendis Septembribus, an emendation now confirmed by the Bodleian MS.

sequens mensis complures dies feriatos habet. The ludi Romani were celebrated from the fourth to the 19th of September. On the second there were 'feriae ex senatus consulto, quod eo die imp. Caesar divi filius Augustus apud Actium vicit se et Titio consulibus.' Within the ludi Romani the Ides (13th) were 'feriae Iovi:' and since Tiberius 'feriae ex senatus consulto quod eo die nefaria consilia quae de salute Ti. Caesaris liberorumque eius et aliorum principum civitatis deque republica inita ab M. Libone erant, in senatu convicta sunt.' On the 17th was the consecration of Augustus; and on the 18th Trajan's birthday. The 23d was the 'natalis Augusti' and the 26th the dedication of the temple of Venus Genetrix.

§ 4. **opus quod inchoaturus sum.** Cf. iii 4.

indulgeas commeatum. This was granted as appears both from the following letter and iii 4, 2: 'commeatu, ut praefectus aerari, accepto,' also v 14, 9, 'nam includor angustiis commeatus.'

§ 5. **simplicitatis meae.** Cf. Juv. i 151-3: 'unde illa priorum Scribendi quodcumque animo flagrante liberet Simplicitas?' and Plin. *Ep.* vi 12, 5, 'rogo ut mihi semper eadem simplicitate, quotiens cessare videbor, convicium facias.'

agrorum locatio. Land was usually let for a period of five years; Plin. *Ep.* ix 37, 'nam priore lustro, quamquam post magnas remissiones reliqua creverunt.'

tem simplicitatis meae dissimulare apud bonitatem tuam obiter te plurimum conlaturum utilitatibus rei familiaris meae. Agrorum enim quos in eadem regione possideo locatio, cum alioqui CCCC excedat, adeo non potest differri ut proximam putationem novus colonus facere debeat. Praeterea continuae sterilitates cogunt me de remissionibus cogitare; quarum ra-

3 locatio cum, *Cat.* locationem, *B and Ald.*

Cf. also Orelli 4323: 'locantur . . . ex idibus Aug. primis in Idus Aug. sextas, annos continuos quinque;' and the locatio was frequently made on 1st July. See Suet. *Tib.* 35; Mart. xii 32; sometimes on 1st March; or on the Ides of August. This was the latest regular time, as the 'novus colonus' would then have both the vindematio and the putatio, whereas if it were left too late, the vindematio would be over, and his first task would be the putatio. The contract between the locator and the conductor was the 'lex locationis.' The conductor was usually called 'colonus' and the rent pensio or merces.

cum alioqui cccc excedat, since, moreover, the sum total is more than 400,000 sesterces. This is probably the annual rent estimated for average seasons. We do not know for certain how many estates Pliny had, but we know that nearly all his property was in land (iii 19, 8): 'sum quidem prope totus in praediis'; but he found his Laurentine property the only one profitable: 'nihil quidem ibi habeo praeter tectum et hortum statimque harenas.' The attempt made by Augustus and his successors to restore the former prosperity of Italian husbandry, had been very partially successful. Even the vine culture, which Domitian had discouraged as encroaching too much on the growing of corn (Suet. *Dom.* 7), appears from this passage—from viii 2, and ix 16, 1—to have been a losing concern. Landowners with large latifundia, worked by gangs of slaves, might perhaps make some profit, but Pliny says expressly (iii 19, 7): 'nec ipse vinctos usquam habeo.' The fact that all provincials who entered on the senatorial cursus honorum were compelled by Trajan to invest one-third of their property in Italian land hardly points to this beihg a good investment. With regard to the price of land, Pliny talks of buying an estate conterminous with one of his own for 3,000,000 sesterces, iii 19, 7, and adds, 'non quia non aliquando quinquagies fuerint, verum et hac penuria colonorum et communi temporis iniquitate ut reditus agrorum sic etiam pretium retro abiit'; while the price of an 'agellus' which he gave to his nurse was 100,000 sesterces. Pliny's hereditary estates were in the neighbourhood of Lake Larius, vii 11, 5, but even those seem to have been little profitable, as he says, ii 15, 2, 'me praedia materna parum commode tractant, delectant tamen ut materna.'

adeo non . . . ut = tantum abest ut . . . ut. Cf. Liv. iii 2, 7: 'qui adeo non tenuit iram ut gladio invitum in senatum venturum se esse diceret.' Translate here, 'can so little be deferred that.'

proximam putationem, the pruning which is just at hand.

continuae sterilitates. Cf. ix 16, 1: 'nobis venari nec vacat nec libet: non vacat quia vindemiae in manibus, non libet quia exiguae;' viii 15, 1: 'oneravi te tot pariter missis voluminibus . . . quia scripseras tam graciles istic vindemias esse ut plane scirem tibi vacaturum, quod vulgo dicitur, librum legere,' also ix 20, 2. So iii 19, 7: 'communi temporis iniquitate.'

de remissionibus. On the general depression, see ii 4, 3: 'sunt quidem omnino nobis modicae facultates, dignitas sumptuosa, reditus propter conditionem agellorum nescio minor an incertior;' iv 6, 1; vi 3, 2; 'postea decrescente reditu, etiam pretium minuit.' viii 2, 1: 'Alii in praedia sua proficiscuntur ut locupletiores revertantur, ego ut pauperior.' In ix 37 he complains that 'quamquam post magnas remissiones' the arrears of rent still increase. 'Occurendum ergo augescentibus vitiis et medendum est. Medendi una ratio, si non nummo sed partibus (*i.e.* a proportion of the proceeds) locem, ac deinde ex meis aliquos operis exactores custodes fructibus ponam: et alioqui nullum iustius genus reditus quam quod terra caelum annus refert.'

6 tionem nisi praesens inire non possum. Debebo ergo, domine, indulgentiae tuae et pietatis meae celeritatem et status ordinationem, si mihi ob utraque haec dederis commeatum triginta dierum Neque enim angustius tempus praefinire possum, cum et municipium et agri de quibus loquor sint ultra centesimum et quinquagesimum lapidem.

1 Debebo, *Gronovius*. debeo, *B and Ald.* 2 pietati, *Avantius*.

quarum rationem. How careful Pliny was in apportioning the remissions to the needs of particular cases is seen in viii 2, 1: 'Erat expeditum omnibus remittere aequaliter, sed non satis aequum: mihi autem egregium in primis videtur ut foris ita domi . . . agitare iustitiam.' He accordingly remits one-eighth of the purchase-money to all the purchasers of his vintages; and in addition one-tenth of whatever had been paid by each over 10,000 sesterces.

§ 6. **pietatis meae celeritatem.** The speedy accomplishment of my pious purpose, *i.e.* in building the temple.

status ordinationem. The arrangement of my private affairs. Status may refer (1) to political position and privileges; (2) to social rank and dignity; or (3) to private circumstances, happy or unhappy. See Lewis and Short.

triginta dierum, *i.e.* during September.

ultra centesimum et quinquagesimum lapidem. Professor Mayor says that Tifernum Tiberinum was about 20 miles east of Arretium, and that Arretium, by the itineraries, is 164 miles from Rome.

IX [XXV]

TRAIANUS PLINIO S.

Et privatas multas et omnes publicas causas petendi commeatus reddidisti: mihi autem vel sola voluntas tua suffecisset. Neque enim dubito te, ut primum potueris, ad tam districtum officium reversurum. Statuam poni mihi a te eo quo desideras loco, quamquam eiusmodi honorum parcissimus, tamen patior, ne inpedisse cursum erga me pietatis tuae videar.

1 et multas et omnes, *B.* and *Ald.*
et privatas multas et, *Cat.*
4 quod desyderas, *Ald.*[1]
quo desyderas, *Ald.*[2]

Both your reasons are good, but a mere expression of your wish would have been enough. I am sure that you will return to your duties as soon as you can. I do not generally care for my statue to be erected, but as I do not wish to check your loyalty, I consent.

et privatas multas et omnes publicas causas. This, the reading of Catanaeus, can hardly be correct. Keil conjectures 'multas et privatas et publicas causas.'

reddidisti. You have given to my satisfaction.

tam districtum officium. Cf. i 10, 4, 'distringor officio.'

eiusmodi honorum parcissimus. Cf. *Panegyr.*, § 82. 'Itaque tuam statuam in vestibulo Iovis optimi maximi unam alteramve et hanc aeream cernimus. At paulo ante aditus omnes, omnes gradus, totaque area hinc auro hinc argento relucebat, seu potius polluebatur, cum incesti principis statuis permixta deorum simulacra sorderent.'

X [V]

Impetratae civitatis Alexandrinorum pro Harpocrate gaudium.

C. PLINIUS TRAIANO IMPERATORI

Exprimere, domine, verbis non possum quanto me gaudio adfecerint epistulae tuae, ex quibus cognovi te Harpocrati iatraliptae meo et Alexandrinam civitatem tribuisse, quamvis secundum institutionem principum non temere eam dare proposuisses. Esse autem Harpocran *νομοῦ Μεμφιτικοῦ* indico tibi. 1
Rogo ergo, indulgentissime imperator, ut mihi ad Pompeium Plantam, praefectum Aegypti, amicum tuum, sicut promisisti, epistulam mittas. Obviam iturus, quo maturius, domine, exoptatissimi adventus tui gaudio frui possim, rogo permittas mihi quam longissime occurrere tibi. 2

4 institutiones, *B.*
5 *νουοῦ Μεμφιτικοῦ*, *H. Stephanus.* *νομοῦ Μεμφίτου*, *B.* *νομοῦ Μεμφύτου*, *Ald.*
9 exoptatissime, *Ald.*

§ 1. I cannot say how glad I am that you have consented to grant the Alexdrine 'civitas' to my physician Harpocras. Memphis is his home. § 2. I beg you to write at once as you promised to the praefect of Egypt. I should also wish to be allowed to meet you on your welcome return to Rome.

The date of this letter is fixed by the last sentence. Trajan returned from Germany in the second half of 99, in time to canvass personally for the consulship.

νομοῦ Μεμφιτικοῦ. Memphis, the metropolis of the nome, was in Heptanomis or Middle Egypt (see p. 92), Herod. II 99: '*ἔστι γὰρ καὶ ἡ Μέμφις ἐν τῷ στεινῷ τῆς Αἰγύπτου.*' It was formerly the capital of the Egyptian kings. Tac. *Hist.* iv 84, 'Memphin inclutam olim et veteris Aegypti columen'; Plin. *Nat. Hist.* v 9, 'quondam arx Aegypti regum.' Its climate was very favourable, Hor. *Od.* III 26, 10, 'Memphin carentem Sithonia nive,' and Mart. vi 80, 'Navita derisit Pharios Memphiticus hortos.' Even in Strabo's time (p. 807, ed. Casaubon) it was '*πόλις μεγάλη τε καὶ εὔανδρος, δευτέρα μετ' Ἀλεξάνδρειαν.*' There were two pyramids in the nomos Memphites, Plin. *Nat. Hist.* xxxvi 12, and a number of ancient temples in Memphis itself. Pliny gives a list of the nomes, *Nat. Hist.* v 9, and says that that of Memphis extends 'usque ad summum delta.'

exoptatissimi adventus tui (see above, and life of Trajan, p. 5). Trajan had spent almost two years in Germany since his adoption by Nerva, and a year and a half since Nerva's death. He was engaged in the rectification of the Rhine frontier, and it was in connection with this important work, and to draw attention to the affairs beyond the Rhine, that Tacitus published the *Germania* in 98 (see c. 37). But although Trajan's absence was acquiesced in, there was naturally some impatience for his return. Thus Martial, x 7, addressing the Rhine, says, 'Traianum populis suis et urbi, Tibris te dominus rogat, remittas.' Pliny (*Panegyr.* § 20) contrasts the moderation which marked his progress through Italy with the luxury and exactions of Domitian. 'Quam dissimilis nuper alterius principis transitus! si tamen transitus illa, non populatio fuit'; and Trajan himself published the expenses of the two journeys, 'Itaque non tam pro tua gloria quam pro utilitate communi edicto subiecisti quid in utrumque vestrum esset impensum.' The entry into the city, the demonstrations of the crowd, and the courtesy of Trajan, are described in *Panegyr.* § 22.

XI [VI]

Media sui propinquis civitatem petit

C. PLINIUS TRAIANO IMPERATORI

Proxima infirmitas mea, domine, obligavit me Postumio Marino medico; cui parem gratiam referre beneficio tuo possum, si precibus meis ex consuetudine bonitatis tuae indulseris.
2 Rogo ergo, ut propinquis eius des civitatem, Chrysippo Mithridatis uxorique Chrysippi Stratonicae Epigoni, item liberis

§ 1. My recent illness has put me under an obligation to Postumius Marinus, my physician, whom I can only adequately reward by your help. § 2. My petition therefore is that you will grant the Roman civitas to some of his relations, viz. to Chrysippus and his wife Stratonice and his children Epigonus and Mithridates; and the 'ius Quiritium' to L. Satrius Abascantus, P. Caesius Phosporus, and Pancharia Soteris. I make this request at the desire of their patrons.

The reference to the illness approximately determines the date of the letter.

§ 1. **proxima infirmitas mea.** See above, in *Ep.* 5, 1, and 8, 3.

Postumio Marino. He evidently had the civitas himself, having probably received the iusta manumissio from one ot the Postumian gens. He was, however, a peregrinus by origin, as the condition of his relatives proves.

§ 2. **des civitatem.** See above in *Ep.* 5, 2.

Chrysippo Mithridatis. The ordinary way of stating the name of a peregrinus, see above, p. 90.

Epigono et Mithridati. The children according to the ordinary Greek custom were named after their grandfathers.

ita ut sint in patris potestate. This is, of course, the natural consequence of the father and mother receiving the civitas, which involved conubium. Gaius, i 67, 'quia non aliter quisquam ad patris conditionem accedit, quam si inter patrem et matrem eius conubium sit,' and he adds, 'when wife and son enter into the Romana civitas "ex eo tempore incipit filius in potestate patris esse."' In order that Chrysippus might have the 'patria potestas,' it was necessary that his wife and sons should also receive it.

utque iis in libertos servetur ius patronorum. This is an exceptional privilege granted to the sons. As peregrini they had the usual rights over their freedmen, with which the father could not interfere, but on coming under the patria potestas, the son would naturally lose not only his right of testamentary disposition and owning property, but also his rights over his freedmen. These consisted (1) in the general obsequium, reverentia, or honour, which the freedman had to render to his patron, Cic. *ad Quint. frat.* i 1, 4, Dionys. iv 24; and (2) in the fulfilment of certain promises made on the manumission to supply dona, munera, bona, operae. Cic. *ad Attic.* vii 2, *ad fam.* xiv 4; (3) the right of guardianship over the wives, daughters, and infants of their freedmen; (4) claims on the intestate succession to the estates of their freedmen; (5) the right in case of ingratitude or impiety to make the manumission void. Suet. *Claud.* 25 'Ingratos (libertinos) et de quibus patroni quererentur revocavit in servitutem.' This was, however, apparently a temporary measure, as we find the same proposal made under Nero, Tac. *Ann.* xiii 26: 'Per idem tempus actum in senatu de fraudibus libertorum, efflagitatumque ut adversus male meritos revocandae libertatis ius patronis daretur.' It was, however, finally settled that they should decide each case upon its merits 'quotiens (liberti) a patronis arguerentur.'

ius Quiritium. See on *Ep.* 5, 2.

volentibus patronis. See on petente patrona, *Ep.* 5, 3.

eiusdem Chrysippi, Epigono et Mithridati, ita ut sint in patris potestate utque iis in libertos servetur ius patronorum. Item rogo indulgeas ius Quiritium L. Satrio Abascanto et P. Caesio Phosphoro et Panchariae Soteridi; quod a te volentibus patronis peto.

4 Panchay : ae : ac, *B*.

XII [VII]

Praeturam amico petit

C. PLINIUS TRAIANO IMPERATORI

Scio, domine, memoriae tuae, quae est bene faciendi tenacissima, preces nostras inhaerere. Quia tamen in hoc quoque indulsisti, admoneo simul et inpense rogo ut Attium Suram praetura exornare digneris, cum locus vacet. Ad quam spem

I am aware, sire, that our petitions never escape your memory. But I am emboldened by your previous indulgence to remind you of my request that you should confer the first praetorship vacant on Attius Sura. Though naturally retiring, he is encouraged to hope for your indulgence both by the prestige of his birth and the integrity which he has shown amid comparative poverty.

bene faciendi tenacissima. Cf. *Ep.* 85; 'disciplinae tenacissimum'; Quint. i 1, 19, 'memoria tenacissima'; also Juv. viii 25; Verg. *Aen.* iv 188.

in hoc, so far.

admoneo simul et inpense rogo. I remind you and at the same time add urgency to my request.

Attium Suram. Mommsen thinks he may be identified with the Suberinus or Suburanus mentioned in vi 33 as laying claim to the property of the father of Attia Viriola, who had disinherited her in favour of a stepmother. Although there is an inscription cited, Hermes, iii 132, naming a Sex. Attius Suburanus, the identification seems hardly made out, especially as the Suberinus mentioned in vi 33 was disinherited by his own father, and is described as 'singulari impudentia alieni patris bona vindicans, non ausus sui patris.'

praetura exornare. Election to the old republican magistracies, after the exceptional period in which the triumvirs had done what they liked in this respect as in others, was again placed by Augustus in the hands of the popular assemblies. Suet. *Aug.* 40, 'comitiorum pristinum ius reduxit'; and Tac. *Ann.* iii 28, 'Sexto demum consulatu Caesar Augustus, potentiae securus, quae triumviratu iusserat abolevit.' He, however, seems to have looked upon the popular election as a necessary evil, and on several occasions when popular feeling about the elections ran high, he himself appointed to the consulships (Dio Cass. 54, 10), or even to all the magistracies, Dio Cass, 55, 34, 'πάντας τοὺς ἄρξοντας αὐτός, ἐπειδήπερ ἐστασιάζετο, ἀπέδειξε.' The need for this exceptional action passed away when Tiberius, perhaps as a part of the Augustan policy, transferred in 14 A.D. the comitia from the campus to the senate, Tac. *Ann.* i 15. But both before and after this change, which placed the election to the consulship, praetorship, tribunate, aedileship, and quaestorship in the hands of the senate, there were two ways by which the emperors could exercise considerable influence on the elections: (1) by the right which as presiding magistrate he shared with the consuls of testing the qualifications of candidates. Those who were approved were 'nominati,' *i.e.* allowed to receive votes, Dio Cass. 53, 21. The emperors had not the sole right of nominatio, as appears from Tac. *Ann.* i 81, 'plerumque eos tantum apud se professos disseruit, quorum nomina con-

alioqui quietissimum hortatur et natalium splendor et summa integritas in paupertate et ante omnia felicitas temporum, quae

sulibus edidisset; posse et alios profiteri si gratiae aut meritis confiderent.' But as a matter of fact the emperor's nominees would always stand the best chance of election, and if he chose to nominate exactly the number of vacancies, the election was practically decided by his nomination. Tac. *Ann.* i 14, 'Candidatos praeturae duodecim nominavit, numerum ab Augusto traditum: et hortante senatu ut augeret, iureiurando obstrinxit, se non excessurum.' Also in ii 36, Asinius Gallus proposes that the emperor 'duodecim candidatos in singulos annos nominaret.' There was sometimes, however, a real contest in the senate, Tac. *Ann.* ii 51; and Suet. *Vesp.* 2, and the number of the emperor's nominees, no doubt, varied from time to time. Cf. also Dio Cass. 58, 20.

(2) By a development from the old Republican custom of commendatio, the emperors had the right of recommending a certain number of candidates (candidati Caesaris), who were, as a matter of course, elected without any opposition, Tac. *Ann.* i 25, 'moderante Tiberio ne plures quam quatuor candidatos commendaret, sine repulsa et ambitu designandos.' This passage (referring to the praetorship) proves that out of twelve appointments only four were absolutely at the disposal of the emperor, who did not, however, himself appoint, but merely recommended to the senate. It is noticeable that no instance is known of the emperor's commendatio for the consulship, until the end of Nero's reign, Tac. *Hist.* i 77, 'ceteri consulatus ex destinatione Neronis aut Galbae mansere,' and *Hist.* ii. 71, after which the consulship was absolutely at the disposal of the emperor, to a much greater extent than any of the subordinate magistracies. With regard to these latter the right of commendatio remained unaltered. It is mentioned but indefinitely in the 'lex regia de imperio,' previous to Vespasian's reign, 'uti quos magistratum potestatem imperium curationemve cuius rei petentes senatui populoque Romano commendaverit quibusque suffragationem suam dederit promiserit, eorum comitiis quibusque extra ordinem ratio habeatur.' Those who were thus commended usually received the honorary title of praetor or quaestor candidatus. Thus Orelli, 133, 2759, 3151, also I.N. 5983, 'per omnes honores candidatus Augustorum.' See also Vell. Paterc. ii 124, 'Quo tempore mihi patrique meo candidatis Caesaris, proxime a nobilissimis ac sacerdotibus viris destinari praetoribus contigit, consecutis, ut neque post nos quemquam Divus Augustus neque ante nos Caesar commendaret Tiberius.' Pliny, *Panegyr.* 69, describes, as Mommsen shows, the praetorian comitia, *Staatsrecht*, vol. ii p. 879. In this case Trajan introduces his candidati in person, being himself consul, 'alii cum laetitia' (*i.e.* the commendati) 'alii cum spe' (*i.e.* the nominati) 'recesserunt.'

The number of praetors varied at different times. Under Augustus it was usually 12, Dio Cass. 56, 25, 'ἀλλ' οἱ δώδεκα ἐπὶ πολὺ κατέστησαν,' but sometimes sixteen.

Under Tiberius some extraordinary praetorships were conferred upon delatores. Tac. *Ann.* ii 32, 'praeturae extra ordinem datae iis qui senatorii ordinis erant'; and, accordingly, Dio Cass. 58, 20, 'πεντεκαίδεκα στρατηγοὶ ἐγένοντο· καὶ τοῦτο ἐπὶ πολλὰ ἔτη συνέβη.' So, too, under Caligula, Dio Cass. 59, 20. Under Claudius it varied from fourteen to eighteen, Dio Cass. 60, 10, 'ἀνωμάλως δὲ δὴ οἱ στρατηγοὶ ἀπεδείκνυντο· καὶ γὰρ τεσσαρακαίδεκα καὶ ὀκτωκαίδεκα, διὰ μέσου τε . . . ἐγένοντο.' Under Nero there was a fixed number, probably seventeen, Tac. *Ann.* xiv 28; while Nerva added one to preside over cases of dispute between individuals and the fiscus, *Dig.* 1, 2, 2, 32; *Panegyr.* 36. The judicial functions of the praetors were diminished (1) by the judicial power of the princeps; (2) of the senate; (3) of the praefectus urbi. But the praetor urbanus and praetor peregrinus still retained their judicial functions, Tac. *Ann.* i 15, 'mox celebratio ad praetorem translata cui inter cives et peregrinos iurisdictio evenisset'; others presided over the various iudicia, Tac. *Ann.* i 75, 'nec patrum cognitionibus satiatus iudiciis adsidebat in cornu tribunalis, ne praetorem curuli depelleret,' and Suet. *Tiber.* 33; one at least presided over cases of fidei commissa, Suet. *Claud.* 23, and Orelli, 3135, 'praetori de fidei commissis,' and one after Nerva over cases connected with the fiscus. But by the time of Nero there was not sufficient judicial work for all, Tac. *Agric.* vi 4, 'idem praeturae tenor et silentium: nec enim iurisdictio obvenerat.' But the number of praetorian appoint-

bonam conscientiam civium tuorum ad usum indulgentiae tuae provocat et attollit.

ments was so large, *e.g.* the less important provincial commands both senatorial and imperial, the legateship of the legions, etc. etc., that the number of praetors could not be diminished. But a large proportion of them probably had chiefly to provide for, and to preside at, the various games and festivals, Tac. *Ann.* i 15; *Agric.* vi 4: 'ludos et inania honoris'; Suet. *Vesp.* 2: 'Praetor . . . ludos extraordinarios pro victoria eius Germanica depoposcit; Dio Cass., 54, 2: 'καὶ τοῖς μὲν στρατηγοῖς τὰς πανηγύρεις πάσας προσέταξεν'; also Juv. x 36, xi 191, xiv 256. See Mommsen's *Staatsrecht*, vol. ii pp. 193 ff., and pp. 877-887, and Pauly, *Real Encyclop.* vol. vi pp. 23 ff. Pliny, therefore, requests Trajan to use his commendatio for Attius Sura.

cum locus vacet. This might refer to a possible vacancy during the year by death, in which case a praetor suffectus would be appointed, but it seems uncertain whether the emperor's commendatio applied in these cases (see Tac. *Ann.* ii 51, 'de praetore in locum Vipsanii Galli quem mors abstulerat subrogando certamen incessit'). It is, therefore, better to take it as a vacancy in the list of those to whom the emperor had promised his 'commendatio.'

natalium splendor. Cf. *Ep.* 4, 5.

summa integritas in paupertate. As pointed out above, this is hardly consistent with Mommsen's hypothesis that the poverty was caused by his 'exheredatio.'

bonam conscientiam. Cf. i 12, 3, 'optimam conscientiam; Tac. *Agric.* i 'bonae tantum conscientiae pretio'; also Sen. *Ep.* 43, 5, 'bona conscientia turbam advocat, mala etiam in solitudine anxia est.'

XIII [VIII]

Sacerdotium sibi petit

C. PLINIUS TRAIANO IMPERATORI

Cum sciam, domine, ad testimonium laudemque morum meorum pertinere tam boni principis iudicio exornari, rogo

Knowing as I do, sire, how much my reputation is increased by marks of favour from you, I beg you to appoint me either an augur or a septemvir, both which posts are vacant. I shall then be able to offer in a sacred and public capacity the prayers for your prosperity which I now offer in private.

The date of this letter is approximately fixed by comparison with iv 8, where he says, 'Gratularis mihi quod acceperim auguratum, primum quod gravissimi principis iudicium in minoribus etiam rebus consequi pulchrum est . . . mihi vero illud etiam gratulatione dignum videtur quod successi Iulio Frontino,' etc. (1) Frontinus, the author of *De agrorum qualitate* and *De aquaeductibus*, had been praetor in 70 (Tac. *Hist.* iv 39), and Consul III in 100. (2) The augurship was generally conferred after the consulship; Tac. *Agric.* 9; *Hist.* i 77, and Henzen, 5431. The letters, however, in Book iv imply Trajan's presence in Rome, *Ep.* iv 22; and he was away on the first Dacian war from early in 101 till the end of 102. See life of Trajan, pp. 7-8. The augurship was, therefore, probably conferred in 103.

tam boni principis iudicio: cf. iv 8, quoted above.

dignitati ad quam, etc., with special reference to the consulship which Pliny held in September 100.

auguratum vel septemviratum. Both these belonged to the four maiora collegia of sacerdotes, Dio Cass. 53, 1, 'ταῖς τέτταρσιν ἱερωσύναις . . . λέγω δὲ τούς τε ποντίφικας, καὶ τοὺς οἰωνιστὰς τούς τε ἕπτα καὶ τοὺς πεντεκαίδεκα ἄνδρας καλουμένους,' and Tac. *Ann.* iii 62. On the number, functions, dignity, etc., of the augurs, see Marquadt, *Staatsverw.* vol. iii pp. 397 ff.; Mommsen, *Staats-*

dignitati ad quam me provexit indulgentia tua vel auguratum vel septemviratum, quia vacant, adicere digneris, ut iure sacerdotii precari deos pro te publice possim, quos nunc precor pietate privata.

2 quia vacant, *Cat.* quia vacat, *Ald.*

recht, vol. ii pp. 28 ff., and pp. 1053 ff.; and Pauly, *Real-Encyclop. sub voc.* 'Divinatio.'

The epulones were at first three in number, and were first appointed 196 B.C. Livy, xxxiii 42, 'Romae eo primum anno triumviri epulones facti, . . . his triumviris, item ut pontificibus, datum togae praetextae habendae ius.' They were afterwards increased to seven, and called 'septemviri epulones;' Aul. Gell. i 12; Lucan, i 602. Under the emperors the number was increased to ten, Dio Cass. 43, 51, but the old name remained; Tac. *Ann.* iii 64, and Orelli, 2255, 2259, 590, and 773. Their original function was to arrange the 'epulum Iovis in Capitolio,' Mart. xii 48, 12, on the 13th November, in connection with the 'ludi plebeii;' later, a second epulum Iovis was added on 13th September in connection with the 'ludi Romani;' and lastly, all festivals, dedications, triumphs, birthdays, which were accompanied by a public meal on the Capitol, fell to the department of the epulones. See Marquadt, *Staatsverw.* vol. iii pp. 347 ff.

Up to 105 B.C. vacancies in these bodies were filled by the cooptatio of the collegia themselves; but in that year the lex Domitia was passed, according to which the collegia nominated a list of candidates, out of which a 'quasi comitia' formed of seventeen out of the thirty-five tribes, drawn by lot, made a selection, as in the case of the pontifex maximus, and the person thus elected by the seventeen tribes was then formally coopted by the collegium; Suet. *Nero* 2, 'Atavus eius (Neronis) Cn. Domitius in tribunatu pontificibus offensior, quod alium quam se in patris locum cooptassent, ius sacerdotum subrogandorum a collegiis ad populum transtulit,' and Cic. *De leg. agrar.* ii 7, 18, 'Hoc idem de ceteris sacerdotiis Cn. Domitius tribunus plebis tulit ut minor pars populi vocaretur, ab ea parte qui esset factus, is a collegio cooptaretur,' and Vell. Paterc. ii 12, 3. Each member of the collegium could nominate one candidate; Cic. *Phil.* xiii 5, 12. So Verginius Rufus used to nominate Pliny each year till his death, ii 1, 8, 'Illo die quo sacerdotes solent nominare quos sacerdotio dignissimos iudicant, me semper nominabat;' and, after his death, Frontinus seems to have done the same, iv 8, 3, 'Qui me nominationis die per hos continuos annos inter sacerdotes nominabat;' but not more than two could nominate the same person; Cic. *Phil.* ii 2, 4, 'me augurem a toto collegio expetitum Cn. Pompeius et Q. Hortensius nominaverunt; nec enim licebat a pluribus nominari.' Under the empire three changes took place: (1) After 14 A.D. the election passed from the seventeen tribes to the senate; Tac. *Ann.* iii 19, 'Caesar auctor senatui fuit Vitellio atque Veranio et Servaeo sacerdotia tribuendi;' (2) the collegia, instead of nominating a list on the occasion of a vacancy, did so on a fixed day every year, Pliny, ii 1, and iv 8, quoted above; (3) the emperor seems to have had a right of commendatio for the sacerdotia, as for the other magistracies, cf. Tac. *Ann.* iii 19, *supra*, and Dio Cass. 51, 20. As he also had the right of making extraordinary appointments, even when there was no vacancy, Tac. *Hist.* i 77, 'Otho pontificatus auguratusque honoratis iam senibus cumulum dignitatis addidit;' *Ann.* i 3; Suet. *Claud.* 4; Dio Cass. 55, 9, and 58, 8; he is said to have sometimes appointed the majority in the colleges; Dio Cass. 53, 17: '(τοὺς αὐτοκράτορας) ἐν πάσαις ταῖς ἱερωσύναις ἱερῶσθαι καὶ πρόσετι καὶ τοῖς ἄλλοις τὰς πλείους σφῶν διδόναι.'

quia vacant. The augurship, by the death of Sex. Iulius Frontinus: see above, iv 8.

XIIII [VIIII]

Gratulatoria ob victoriam

C. PLINIUS TRAIANO IMPERATORI

Victoriae tuae, optime imperator, maximae pulcherrimae antiquissimae et tuo nomine et rei publicae gratulor deosque inmortales precor ut omnes cogitationes tuas tam laetus sequatur eventus, ut virtutibus tantis gloria imperii et novetur et augeatur.

1 imperator Maxime, *Ald.*

I congratulate you, most noble emperor, on your glorious victory, and I pray the gods that similar success may crown all your designs, and so the glory of the empire be restored and increased by your achievements.

Victoriae tuae. No doubt over Decebalus and the Dacians; but whether the letter was written after the first war, at the end of 102, or after the second war in 106 (see life of Trajan), there seems to be no means of deciding. The epithets maximae, pulcherrimae, antiquissimae, would seem to point to the second war, but Pliny's use of exaggerated superlatives must modify the force of this inference.

et tuo nomine et rei publicae: cf. *Ep.* 1, 'et privatim et publice.'

cogitationes. For the use of cogitatio in the concrete sense of design, see Suet. *Calig.* 48, 'vix a tam praecipiti cogitatione revocatus.'

novetur, after the unsuccessful policy of Domitian in Dacia: see life of Trajan, p. 7.

augeatur: possibly by the annexation of Dacia as a province.

optime imperator. Cf. *Panegyr.* § 2, 'Iam quid tam civile, tam senatorium quam illud additum a nobis optimi cognomen,' and see life of Trajan, p. 5, note 11.

XV [XXVI]

De itinere suo in Bithyniam

C. PLINIUS TRAIANO IMPERATORI

Quia confido, domine, ad curam tuam pertinere, nuntio tibi

You will, I know, be glad to learn that I safely passed Cape Malea, and arrived at Ephesus. I now intend to proceed partly by coasting vessels, partly by carriage. For the heat makes a land journey oppressive, and the Etesian winds will prevent my sailing all the way.

This and the following letters all relate to Pliny's appointment in Bithynia and Pontus. On the nature of this post and the circumstances which led to it, see introduction, pp. 25 and 48. The date of Pliny's governorship is fixed approximately by the following considerations: (1) The other nine books of Letters cover, as Mommsen, *Hermes* iii, has pointed out, the period between 96 and 108. In them he mentions all the offices he had held up to that time, and all the important 'advocationes' which he had undertaken, and the fact that no allusion is made to this, his most important appointment, is proof positive that up to 108 he had not received it. (2) His wife Calpurnia's grandfather, Calpurnius Fabatus, was alive in 107 or 108, *Ep.* iv 10; 11, 3;

me Ephesum cum omnibus meis ὑπὲρ Μαλέαν navigasse, quamvis contrariis ventis retentum. Nunc destino partim orariis

2 retentum, *H. Stephanus*. retentus, *B. and Ald.*

20, 3, according to the date assigned by Mommsen to Book viii; but we hear of his death during Pliny's governorship: see *Ep.* 120, 'Uxori enim meae audita morte avi volenti ad amitam suam excurrere usum eorum (diplomatum) negare durum putavi.' (3) Calpurnius Macer is several times mentioned (*Epp.* 41, 61, 62, and 77) in the correspondence with Trajan, in a manner implying that he was the governor of a neighbouring province to Pliny's. An inscription found in Moesia Superior, C.I.L. iii 777, 'Imp. Caes. Div. Fil. Nervae Traiano Aug. Germ. Dacico Pont. max. trib. Pot. xvi Imp. vi Cos. vi p. p. P. Calpurnio Macro Caulio Rufo Leg. Aug. Pro Praet,' proves that in 112 Calpurnius Macer was Legatus of Moesia Superior, which especially agrees with the reference in *Ep.* 77. It seems, therefore, most probable that Pliny was appointed in the middle of 111, and remained till early in 113. During the whole correspondence Trajan was evidently at Rome, which also suits this date, since he did not leave Rome for the Parthian war till 113.

me Ephesum navigasse. Ephesus, with its honorary titles, *πρώτη πασῶν καὶ μεγίστη, πρώτη καὶ μεγίστη, μητρόπολις τῆς Ἀσίας*, was by far the most important seaport on the coast of Asia Minor, and the one at which Pliny would naturally land on arriving by way of Cape Malea. But from Ulpian, *Dig.* 1, 16, 4, § 5, it appears that it was a special privilege belonging to Ephesus that the proconsuls of Asia should land first at this port, and the custom may probably have extended to the governors of other provinces in the neighbourhood, who would land first in Ephesus, and from there pass on to their several commands. 'Quaedam provinciae etiam hoc habent, ut per mare in eam provinciam proconsul veniat, ut Asia, scilicet usque adeo, ut imperator noster Antoninus Augustus ad desideria Asianorum rescripserit proconsuli necessitatem impositam per mare Asiam applicare *καὶ τῶν μητροπόλεων* Ἔφεσον primam attingere.' So there are coins with the legend ΕΦΕCΙΩΝ Α ΚΑΤΑΠΛΟΥC, *i.e.* prima navigatio; Marquadt, *Staatsverw.* i. p. 337.

ὑπὲρ Μαλέαν, 'to sail round Malea,' came to be a proverbial expression from the dangers of its rocky coast and the piratical habits of its inhabitants; Livy, xxxiv 32; Polyb. v 95; Symmach. viii 60, '*Μαλέαν δὲ κάμψας ἐπιλάθου τῶν οἴκαδε.*' The most usual route from Italy to Greece or Asia Minor was by way of the Gulf of Corinth to Lechaeum, where the isthmus was crossed and a fresh ship taken at Cenchrea; Propert. iii 21, 9-24; Ovid, *Trist.* i 10, 9-10; Tac. *Hist.* ii. 1. Sulpicius tells Cicero, *Epp. ad Fam.* xii 4, that his colleague Marcellus, '*ὑπὲρ Μαλέας*, in Italiam versus navigaturus erat,' and Flavius Zeuxis, a merchant of Hierapolis in Phrygia, has left it on record, C. I. G. 3920, that he had sailed '*ὑπὲρ Μαλέαν εἰς Ἰταλίαν πλόας ἑβδομήκοντα δύο.* See Friedländer, vol. ii. p. 23.

quamvis contrariis ventis retentum. Both Avantius and Aldus read 'retentus,' which would make it necessary to begin a fresh sentence at 'quamvis.' It seems better, with H. Stephanus, to read 'retentum,' as the concessive force evidently relates to the previous clause.

vehiculis. This was a word specially used in connection with the imperial post-system established by Augustus. Suet. *Aug.* 49, 'Et quo celerius ac sub manum adnuntiari cognoscique posset quid in provincia quaque gereretur, iuvenes primo modicis intervallis per militares vias, dehinc vehicula disposuit.' The couriers were called speculatores, and were a regularly organised body, some of which were assigned to the emperor's retinue, Suet. *Aug.* 74; *Claud.* 35; Tac. *Hist.* ii 11; others to the Praetorian cohorts, Tac. *Hist.* i 29; others to the legions. The system was used (1) by the emperors themselves in travelling, Pliny, *Panegyr.* 20, 'nullus in exigendis vehiculis tumultus, nullum circa hospitia fastidium . . . quam dissimilis nuper alterius principis transitus'; (2) by the magistrates and provincial governors; and (3) by any to whom the 'diplomata' were given, either by the emperor himself or the provincial governors in his name; see *Epp. infra*, 45, 48, 64, 120; also Tac. *Hist.* ii 65. Along the roads were at certain intervals mutationes, where horses were changed, and mansiones, where shelter was provided for the night. In later times so-called palatia were added to the latter

navibus partim vehiculis provinciam petere. Nam sicut itineri graves aestus ita continuae navigationi etesiae reluctantur.

for the entertainment of the governors or the emperor. The various districts were under the charge of praefecti vehiculorum: see C. I. L. *passim*. The expense was borne by the local governments, until Nerva for Italy at least put part of it upon the fiscus; hence the coins, Eckhel, vi 408, 'vehiculatione Italiae remissa.'

graves aestus. *Ep.* 17, 6, states that he arrived in his province on September 22.

etesiae. See Pliny, *Nat. Hist.* ii 47, 'Ardentissimo autem aestatis tempore exoritur Caniculae sidus . . . qui dies xv Augustas Kalend. est. Huius exortum diebus octo ferme Aquilones antecedunt, quos Prodromos appellant. Post biduum autem exortus iidem Aquilones constantius perflant diebus quadraginta (*i.e.* from Aug. 17 to Sep. 26) quos Etesias vocant. Molliri iis creditur solis vapor geminatus ardore sideris: nec ulli ventorum magis stati sunt.' Cic. *ad Fam.* ii 15, writes: 'Ego nisi quid me Etesiae morabuntur celeriter, ut spero, vos videbo;' Lucret. vi 714: 'Is (Nilus) rigat Aegyptum medium per saepe calorem, Aut quia sunt aestate aquilones ostia contra Anni tempore eo quo Etesia flabra feruntur.'

XVI [XXVII]

TRAIANUS PLINIO S.

Recte renuntiasti, mi Secunde carissime. Pertinet enim ad animum meum quali itinere *in* provinciam pervenias. Pruden-

You are right, my dear Secundus, to send me news. It concerns me nearly to hear how you reach your province. Your intention to proceed partly by land, partly by sea, is a wise one.

mi Secunde. Up to 79 A.D. Pliny's full name was probably P. Caecilius L. f. Ouf(entina) Secundus. Mommsen cites an interesting inscription from Gruter, p. 376, 5, probably relating to the father of Pliny and his two sons: 'L. Caecilius L. f. Cilo iiii vir a(edilicia) p(otestate) xxxx (milia) municipibus Comensibus legavit, ex quorum reditu quotannis per Neptunalia oleum in campo et in thermis et balineis omnibus quae sunt Comi praeberetur, t(estamento f(ieri) i(ussit), et L. Caecilio L. f. Valenti et P. Caecilio L. f. Secundo,' etc. etc. In 79 A.D. he was adopted by his mother's brother, C. Plinius Secundus, by the process of testamentary adoption. Mommsen points out, *Hermes*, iii, that testamentary adoption, which did not come into operation until after the death of the adoptive father, had under the republic all the force of a strict and regular adoption, *i.e.* the adopted son passed into the tribe of his adoptive father, assumed his praenomen, and was formally designated as his son: his original Gentile name, modified by the suffix-anus, being taken as an additional cognomen. Thus T. Pomponius Atticus, Cicero's friend, when adopted by the testament of his uncle Q. Caecilius, became Q. Caecilius Q. f. Pomponianus Atticus; Cic. *ad Att.* iii 20. But though this was his legal title, he continued in ordinary social intercourse to be known by his original name; and from the first years of the empire this testamentary adoption came to be little more than a change of name on inheriting property by will. Thus one of the brothers adopted by the will of Cn. Domitius Afer in 50 A.D. was called Cn. Domitius Sex. f. Afer Titius Marcellus Curvius Lucanus, *i.e.* he remained the son of his natural father Sextus, and retained his former nomen unchanged as one of his cognomina. Manifestly testamentary adoption could not involve subjection to the potestas of the adoptive father, and it came to involve no more than a mere change of gens, the original Gentile name being retained as a cognomen. Thus Pliny's name after adoption became C. Plinius L. f. Ouf. Caecilius Secundus. Martial speaks of Pliny as Secundus (v 80): 'Quid si legeris ipse cum diserto . . . Secundo,' but in x 19 as Plinius, 'libellum Facundo mea

ter autem constituis interim navibus interim vehiculis uti, prout loca suaserint.

Plinio Thalia, I perfer.' The superscriptions of the letters C. Plinius are not original.

interim . . . interim: cf. Tac. *Ann.* 14, 41: 'interim specie legum, mox praevaricando ultionem elusurus;' and often in Quintilian. Lewis and Short cite v 10, 34; vi 3, 59; ix 2, 100.

XVII A [XXVIII]

In Bithyniam se venisse scribit

C. PLINUS TRAIANO IMPERATORI

1 Sicut saluberrimam navigationem, domine, usque Ephesum expertus, ita inde, postquam vehiculis iter facere coepi, gravissimis aestibus atque etiam febriculis vexatus Pergami sub-
2 stiti. Rursus, cum transissem in orarias naviculas, contrariis ventis retentus aliquanto tardius quam speraveram, id est XV Kal. Octobres, Bithyniam intravi. Non possum tamen de mora queri, cum mihi contigerit, quod erat auspicatissimum, natalem

§ 1. My voyage, sire, was favourable as far as Ephesus, but when I began to use the post-service, I was troubled with fever brought on by the heat, and compelled to rest at Pergamum. § 2. I then had recourse to coasting vessels, but owing to contrary winds did not reach Bithynia till September 17. I must not however complain, since it was an excellent omen to celebrate your birthday in my province. § 3. I am now examining the financial matters of the Prusensians, a task which I find more necessary the more I look into them. Many sums of money are in the hands of private individuals, and some grants have been made for illegal purposes. I write this immediately on my arrival.

The date of the letter (17th Sept. 111) is fixed by the last sentence. See also note on *Ep.* 15.

§ 1. **usque Ephesum.** For usque with names of towns, cf. Cic. *Verr.* iv 49 (quoted by Roby. 1108) 'usque Hennam profecti sunt,' and Cic. *ad Qu. Frat.* i 1, 14 'ut usque Romam significationes vocesque referantur.'

febriculis vexatus. Cf. Cic. *ad Fam.* x 21 'qui ex labore in febriculam incidit assiduam et satis molestam.'

Pergami substiti. Pergamum in Mysia, formerly the capital of the Attalidae, and enriched and beautified by Eumenes II. It was afterwards one of the μητροπόλεις of the province of Asia, C. I. Gr. 3538. It was situated on the main road from Ephesus and Sardis to the Hellespont, Xen. *Anab.* vii 8, 8. It was on the northern bank of the navigable Kaikus, 120 stades from the sea. Two smaller streams, the Selinus and Cetius, flowed respectively through and by it, Plin. *Nat. Hist.*, v 126, 'longe clarissimum Asiae Pergamum, quod intermeat Selinus, praefluit Cetius.' It was about 700 stades from Ephesus by way of Smyrna. It is mentioned as the head of a conventus by Cic. *pro Flacc.* 29, 71, 'ubi et multi cives Romani sunt, et ius a nostro magistratu dicitur,' and by Pliny, *loc. cit.*, 'Pergamena vocatur eius tractus iurisdictio.'

§ 2. **Bithyniam intravi.** In all probability Pliny coasted round as far as Cyzicus where he would take the main road through Miletopolis and Apollonia to Prusa. That he should have proceeded through the interior of Mysia, and over the Olympus range is impossible.

auspicatissimum, cf. Quint. x 1, 85, auspicatissimum exordium; Tac. *Germ.* 11, 'nam agendis rebus hoc auspicatissimum initium credunt.'

tuum in provincia celebrare. Nunc rei publicae Prusensium 3
inpendia reditus debitores excutio; quod ex ipso tractatu magis

2 tractatu *B.* tractu *Ald.*

natalem tuum celebrare. From the time of Iulius Caesar the birthday of the princeps was observed as a public holiday. Dio Cass. 44, 4, *τά τε γενέθλια αὐτοῦ δημοσίᾳ θύειν ἐψηφίσαντο.*' So Suet. *Aug.* 57, 'Equites Romani natalem eius sponte atque consensu biduo semper celebrarunt.' Dio Cass. 51, 19, '*ἔν τε τοῖς γενεθλίοις αὐτοῦ* (*i.e.* Augustus) . . . . *ἱερομηνίαν εἶναι* (*ἐψηφίσαντο*).' So the German legions (Dio Cass. 56, 25), '*οὐ πάνυ πόρρω τοῦ Ῥήνου προῆλθον, ἀλλ' αὐτοῦ που μέχρι τοῦ μετοπώρου μείναντες καὶ τὰ τοῦ Αὐγούστου γενέθλια ἑορτάσαντες, καί τινα ἱπποδρομίαν ἐν αὐτοῖς διὰ τῶν ἑκατοντάρχων ποιήσαντες ἐπανῆλθον.*' On the birth of young Caius Caesar (Dio Cass. 54, 8) '*βουθυσία τις τοῖς γενεθλίοις αὐτοῦ ἀΐδιος ἐδόθη.*' Tiberius took it as a sign that Sejanus was aiming at the first place (Suet. *Tib.* 65) 'quum iam et natalem eius publice celebrari . . . videret.' See also Dio Cass. 60, 12, '*καὶ τὰ γενέθλια τὰ τῆς Μεσσαλίνης δημοσίᾳ ἐτίμων.*' The birthdays of the emperors were also observed after their death, Dio Cass. 59, 24, '*καὶ ἐψηφίσθη ἄλλα τε καὶ ἵνα τοῖς τοῦ Τιβηρίου καὶ τοῖς τῆς Δρουσίλλης γενεθλίοις τὰ αὐτὰ ἅπερ καὶ τοῖς τοῦ Αὐγούστου γίγνηται.*' So Domitian forbade the celebration of Titus's birthday, Dio Cass. 67, 2, '*καὶ τὴν ἱπποδρομίαν τὴν τῶν γενεθλίων αὐτοῦ κατέλυσε.*'

reipublicae Prusensium. Prusa, the birthplace of Dio Chrysostom, was situated at the foot of the Olympus range. According to Pliny, *Nat. Hist.* v 32, it was founded by Hannibal. It, however, more probably owed its origin to Prusias himself. It formed one of the *διοικήσεις* into which Pompeius divided Bithynia, and was also a conventus or administrative district of the province; Dio Chr. ii p. 199 R, '*καὶ μὴν τὸ νῦν συμβεβηκὸς περὶ τὴν ἡμετέραν πόλιν τὸ μὲν ἀληθὲς ἅπτεται πολλῶν καὶ κνίζει τοὺς ἄλλους πάντας, ὅτι δὴ τὰς δίκας, ὑμεῖς ἀποδέχεσθε καὶ παρ' ὑμῖν αὐτοὺς ἀνάγκη κρίνεσθαι.*' It did not, however, attain to the rank of a libera civitas, for Dio says, ii p. 199, *ταῦτα γὰρ* (*i.e.* the tribunals of the conventus) *ὑμᾶς πλέον ὀνήσει τῆς ἐλευθερίας αὐτῆς, ἐὰν ἄρα καὶ τούτου τύχητέ ποτε*, and it was necessary to obtain leave from the proconsul to hold the public assembly Dio Chr. *Or.* 48, ii, p. 236 R, '*πρῶτον μὲν ὦ ἄνδρες τῷ κρατίστῳ Οὐαρίνῳ δεῖ χάριν ἡμᾶς εἰδέναι ὅτι βουλομένοις ἡμῖν ἐκκλησιάσαι πάλιν ἐφῆκεν.*'

inpendia reditus debitores excutio. From the time of Trajan the independence of the municipal towns, whether liberae or not, both in Italy and the provinces, was increasingly interfered with by the central authority, and this particularly in respect of their finances, which in too many cases fell into disorder. To revise and arrange these, curatores rei publicae were sent out to particular towns Henz. 6484, Wilmann, 2167 and 2479, or sometimes to a group of towns, Henz. 5126. Occasionally, however, a whole province was so embarrassed that the financial oversight of all its communities was put into the hands of a nominee of the emperor. Thus, under Trajan, Sex. Quintilius Maximus (Plin. *Ep.* viii 24) was 'missus in provinciam Achaiam ad ordinandum statum liberarum civitatum': so Henz. 6483, 'legatus divi Hadriani ad rationes civitatum Syriae putandas,' Henz. 6506, 'curator civitatum universarum provinciae Siciliae,' Henz. 6484, 'logista Syriae.' Sometimes the financial duties of the curator or logista (Cod. Iust. 1, 54, 3) were united to a more general authority. Thus, C. I. Gr. 4033, Tiberius Iulius Severus was '*πρὸς πέντε ῥάβδους πεμφθεὶς εἰς Βιθυνίαν διορθωτὴς καὶ λογιστὴς ὑπὸ θεοῦ Ἀδριανοῦ.*' Pliny (for whose formal title see inscr. p. 16) probably united the offices of *λογιστής* and *διορθωτής*. See De la Berge, p. 119; Mommsen, *Staatsrecht.*, ii p. 1037; Marquadt *Staatsverw.* i p. 162. We find him regulating or considering the finances of Sinope (*Ep.* 90), Nicomedeia (*Ep.* 37) Nicaea and Claudiopolis (*Ep.* 39), Byzantium (*Ep.* 43), Apamaea (*Ep.* 47), Amisus (*Ep.* 92).

tractatu, an emendation of Ritterhusius for the Aldine reading 'tractu.' It is now confirmed by the Bodleian MS., which has tractatu in the scribe's hand in the margin. For a similar doubt cf. *Ep.* 96 § 4.

multae enim pecuniae . . . a privatis detinentur. Money so detained either by magistrates or private individuals was called 'residuae pecuniae.' A Lex Iulia of Augustus brought this offence under the head of peculatus, *Dig.* 48, 13, 2, 'lege

ac magis necessarium intellego. Multae enim pecuniae variis ex causis a privatis detinentur: praeterea quaedam minime
4 legitimis sumptibus erogantur. Haec tibi, domine, in ipso ingressu meo scripsi.

Iulia de residuis tenetur qui pecuniam delegatam in usum aliquem retinuit neque in eum consumpsit: qui pecuniam publicam in usus aliquos retinuerit nec erogaverit: apud quem pecunia publica resedit: qui in tabulis publicis minorem pecuniam scripserit, aliud ve quid simile commiserit.' The punishment was restitution of the money plus half of its amount. See Pauly, *Real Encylop.* vii p. 456. The investment of the money so called in placed Pliny in some embarrassment; see *Ep.* 53, 'pecuniae publicae, domine, providentia tua et ministerio nostro et iam exactae sunt et exiguntur; quae vereor ne otiosae iaceant.'

minime legitimis sumptibus. These would be all not included in what are called (*Ep.* 35) the 'erogationes necessariae.' Thus the Prusenses had been accustomed to make grants of public money for oil for the baths, 'quam ipsi erogare in oleum soliti.' Trajan allows them by a special favour (indulgentia) to divert this to the 'instructio novi balinei,' but neither of these applications of money was strictly legitimate: nor again was the grant of 12,000 HS. by the Byzantines for sending a legatus every year to the emperor with a complimentary psephisma: nor that of 3000 HS. for sending a legatus to the governor of Moesia (*Ep.* 43). Extravagant expenditure of this kind left insufficient money for legitimate and necessary objects.

erogantur, the technical word for grants of public money.

in ipso ingressu meo. These words must not be too closely pressed, as Pliny had already had time to look into the finances of Prusa.

XVII B

C. PLINIUS TRAIANO IMPERATORI

Quinto decimo Kalendas Octobres, domine, provinciam intravi, quam in eo obsequio, in ea erga te fide quam de genere
5 humano mereris inveni. Dispice, domine, an necessarium

I entered my province, sire, on 17th September and found it well-affected and loyal. Would it not be well to send here a land surveyor? Considerable sums of money might probably be recovered from the contractors of public works if the measurements were accurately taken. I am already convinced of this from my inspection of the financial state of Prusa.

The Aldine edition joins this letter to the preceding one. The repetition of the date of entry into the province makes this almost impossible, while the frequent occurrence of 'domine' would increase the difficulty. After Pliny had despatched the former letter, the advisability of getting a 'mensor' occurred to him. He thereupon wrote this short letter and sent it by a different tabellarius, and in case it might by any chance arrive before the other letter, he more briefly announced the completion of his journey to the province.

de genere humano. See on *Ep.* 1.

mensorem. The mensores or agrimensores under the empire formed an important college with considerable privileges and handsome pay. On the practical side they were concerned with all boundary questions, whether of public or private land. They had to mark out boundaries in the first instance, and were called upon either as judges or experts in all disputed cases. Theoretically their art was based on an abstruse or special application of mathematical geometry. Subordinate to but connected with the agrimensores there were bodies of specialists concerned (1) with machine construction, 'mensores machinarii' Orell. 1567 and 4107 (2) camp measurements, 'mensores castrorum' Or. 3473, and (3) archi-

putes mittere huc mensorem. Videntur enim non mediocres pecuniae posse revocari a curatoribus operum, si mensurae fideliter agantur. Ita certe prospicio ex ratione Prusensium, quam cum maxime tracto.

3 aguntur *B.* agantur, *Ald.* 3 quam cum maxime, *B.* quam cum Maximo, *Ald.*

tectural measurements 'mensores ædificiorum' Or. 3223. It was one of these latter that Pliny required. They were probably identical with the architecti. Cf. *Dig.* 11, 6, 7, 3.

revocari. Cf. *Ep.* iii 9, 17, 'ut pecuniae quas creditoribus solverat revocarentur' Suet. *Ner.* 44, 'a delatoribus potius revocanda praemia' Suet. *Galb.* 15 'liberalitates Neronis . . . revocandas curavit.'

curatoribus operum. At Rome there were two 'curatores aedium sacrarum et operum locorumque publicorum'; briefly 'cur. op. pub.' They performed a portion of the censors' duties; see Cic. *de leg. agrar.* iii 3, 7; had the charge of public buildings, oversight over temples and the custody of the sacred offerings and gifts, Wilmann, 1224, 1273, 1181, 1142. In municipal towns like Prusa, where offices were less subdivided, they would also have the duty of settling contracts for the construction of public buildings, in which, in the absence of trustworthy mensores, there was room for jobbery and dishonesty of all sorts. An example of the dishonesty often practised by these curatores is given by Suetonius *Vitell.* 5, 'curam operum publicorum administravit . . . dona atque ornamenta templorum surripuisse et commutasse quaedam ferebatur proque auro et argento stannum et aurichalcum supposuisse.'

agantur. Döring points out that the word is used specially of land-surveyors and architects; and cites Ov. *Ars Am.* iii 558, 'limes agendus erit,' and Tac. *Germ.* 29, 'limite acto.' Cf. also Plin. h. n. xv, 3, 14, 'amurcae mensuram nemo agit.' The agrimensores were called 'agentes' Hyg. *Lim.* p. 179.

ex ratione; in the sense of 'accounts.' This word is used either in the sing. (Cic. *Verr.* ii 1, 41, § 106) or in the plur. Cic. *ad Fam.* v 20, 2, and *infra*, *Ep.* 18.

quam cum maxime tracto. Another repetition of the former letter, which makes it impossible to consider the two as one, but it is quite consistent with the view taken above.

cum maxime: at this present moment.

tracto, see above, tractatu.

The Aldine edition followed by all later editions till 1709, has 'cum Maximo' (see *Ep.* 27 and 28). Döring retains this, but it has little to recommend it, and most modern editions have followed the conjecture of Perizonius in the edition of Cortius, 'cum maxime.' This is now confirmed by the Bodleian MS.

XVIII [XXVIIII]

TRAIANUS PLINIO S.

Cuperem sine querella corpusculi tui et tuorum pervenire in Bithyniam potuisses ac simile tibi iter ab Epheso ei navigationi 1

2 ei navigationi, *Cat.* et nav., *B.* ut nav., *Ald.*

§ 1. I wish your journey from Ephesus had been as favourable as your previous voyage. § 2. I note the date of your arrival in Bithynia. The provincials will, I am sure, appreciate my care for them, and you must make it quite clear that you are sent to represent me. § 3. Be particularly careful in scrutinising the financial position of the towns: they evidently are in confusion. As for surveyors, I have not enough for my own building operations here, but there are trustworthy experts in every province to be found with a little inquiry.

§ 1. **querella corpusculi tui.** Cf. Sen. *Qu. Nat.*, iii 1, 3, 'pulmonis ac viscerum querellas levare.' For the humorous use of the diminutive 'corpusculum' cf.

2 fuisset, quam expertus usque illo eras. Quo autem die pervenisses in Bithyniam cognovi, Secunde carissime, litteris tuis. Provinciales, credo, prospectum sibi a me intellegent. Nam et tu dabis operam ut manifestum sit illis electum te esse, qui ad
3 eosdem mei loco mittereris. Rationes autem in primis tibi rerum publicarum excutiendae sunt: nam et esse eas vexatas satis constat. Mensores vix etiam iis operibus quae aut Romae aut in proximo fiunt sufficientes habeo: sed in omni provincia inveniuntur quibus credi possit, et ideo non deerunt tibi, modo velis diligenter excutere.

8 sufficientes, *B.* sufficienter, *Ald.*

Juv. x 173, 'mors sola fatetur Quantula sint hominum corpuscula.' See Prof. Mayor's list of the diminutives used in Juvenal *ad loc.*

simile iter ei navigationi. The true reading 'ei' conjectured by Catanaeus, I now restore as proved by the Bodleian MS., which has 'et navigationi.' Aldus, not understanding the 'et,' changed it against all grammar into 'ut.'

usque illo. Juvenal has usque adeo, iii 84, v 129, xv 82. Cicero has usque istinc, *ad Att.* i 14.

§ 2. **pervenisses;** pluperf. because previous to the date of Pliny's letter.

provinciales sometimes used in opposition to Italians as Plin. *Ep.* ix 23, 2, 'Italicus es an provincialis?' and Suet. *Vesp.* 9; often, however, as here for the inhabitants of a particular province: Cic. *ad Quint. fr.* i 1, 5.

electum te esse qui . . . mittereris, 'that you were chosen to receive a special mission to represent me.' See the inscr. p. 16. The words are not really redundant for 'mei loco missum esse.' The 'electum' implies a special appointment. Cf. *Ep.* 117, 'sed ego ideo prudentiam tuam elegi.'

§ 3. **rationes . . . in primis . . . excutiendae.** For Pliny's execution of this injunction see note on *Ep.* 17a 3.

iis operibus quae aut Romae aut in proximo fiunt. These would be (1) the repair and improvement of the roads in Italy, Dio Cass., 68, 15, '*καὶ κατὰ τοὺς αὐτοὺς χρόνους τά τε ἕλη τὰ Ποντῖνα ὡδοποίησε λίθῳ καὶ τὰς ὁδοὺς παροικοδομήμασι καὶ γεφύραις μεγαλοπρεπεστάταις ἐξεποίησεν.*' Eckhel *Doc. Num.* vi p. 421; and especially the construction of a new road from Beneventum to Brundisium—the via Traiana—in 109 A.D., Henz. 5169, 'Imp. Cæsar divi Nervae f. Nerva Traianus Aug. Germ. Dac. Pont. Max. Tr. pot. xiii, Imp. vi, Cos. v. P. P. viam et pontes Benevento Brundisium pecunia sua.' (2) The new hexagonal basin above the Claudian harbour at Ostia, the 'portus Traiani,' Cohen, ii 365-6. Juv. *Sat.* xii 75 ff. (3) The new harbour at Centum Cellae (Civita Vecchia) Plin. *Ep.* vi 31. This was begun in 106 A.D. with Trajan's villa close by 'villa pulcherrima cingitur viridissimis agris, imminet litori.' (4) The harbour of Ancona, which was probably in the course of construction at this time, as the inscription on the arch dates from 115; Orell. 792. (5) The construction of the Aqua Traiana (now acqua Paola) *Dierauer zur Geschi. Trajans*, p. 132. (6) the Thermae Traianae on the Esquiline; and (7) the splendid Forum of Trajan with its Basilica, libraries, triumphal arch and column. This was completed in the 6th consulship *i.e.* 112-113; Cohen ii 95.

XVIIII [XXX]

De custodiis

C. PLINIUS TRAIANO IMPERATORI

Rogo, domine, consilio me regas haesitantem utrum per 1
publicos civitatum servos, quod usque adhuc factum, an per
milites adservare custodias debeam. Vereor enim ne et per
servos publicos parum fideliter custodiantur et non exiguum
militum numerum haec cura distringat. Interim publicis servis 2

§ 1. I should be glad of your advice, sire, as to whether the prisoners should be guarded by public slaves as hitherto, or by soldiers. I distrust the fidelity of the slaves, and yet I hesitate to employ as many soldiers as would be required. § 2. At present I use some of both, but I fear that this arrangement may enable each to throw any blame incurred on the others.

§ 1. **publicos civitatum servos.** The publici servi, usually briefly 'publici,' were distinguished from ordinary slaves in several points—(1) they had dwellings assigned on public ground; *lex Iul. Municip.* 82, 'quae loca serveis publiceis ab cens(oribus) habitandei utendei caussa adtributa sunt,' etc.; (2) they received an annual sum of money for food, cibaria, see *Ep.* 31, 2, 'ut publici servi, annua accipiunt'; (3) they wore a special dress, the limus; and hence are often spoken of as limo cincti, Orell. 3219; (4) they were allowed to dispose of half their property by will, Ulpian, 20, 16. They might be acquired by communities through capture in war, or sale, or bequests by individuals. They were employed to forward despatches, Plut. *Galb.* 8; as attendants in the tabularium, Liv. xliii 16; as executioners, Cic. *Phil.* viii 8; Val. Max. ii 10, 6; Vell. Paterc. ii 19; as temple servants, Tac. *Hist.* i 43; Orell. 2470, 'publicus ab sacrario divi Augusti'; as public auctioneers, Plin. *Ep.* vii 18, 'agrum ex meis publico actori mancipavi,' Tac. *Ann.* ii 30; in connection with the aqueducts under the 'curatores aquarum,' Frontinus, *de Aquaed.* 100; as library attendants, 'publici a bybliotheca Latina porticus Octaviae,' Orell. 2853, Henz. 6270; the inferior slaves were assigned 'ad balineum, ad purgationes cloacarum, munitiones viarum et vicorum,' *Ep.* 32, 2; Mommsen, *Staatsrecht*, i 306 ff.; Pauly, *Real Encyclop.* vi p. 1102.

an per milites. The point of Pliny's question was not whether it was legal to employ soldiers, on which Gierig cites Tac. *Ann.* iii 22, 'cum militari custodia haberentur,' and *Hist.* iv 11; but whether in a province like Bithynia soldiers could be spared for this purpose; see on *Ep.* 21.

custodias, the prisoners. For this use of the abstract for the concrete Döring cites Suet. *Nero*, 31, 'quod ubique esset custodiae'; *Tib.* 61, 'in recognoscendis custodiis'; *Calig.* 27, *Dom.* 14, 'solus plerasque custodias audiebat'; Sen. *Ep.* v 7, 'eadem catena et custodiam et militem copulat.' Cf. operae = workmen; inquisitio = inquisitores, *Ep.* 30; amicitia = friends, Tac. *Ann.* ii 27, 2; consilia = advisers, Tac. *Ann.* iv 40, 2; matrimonia = wives, Tac. *Ann.* ii 13, 3.

non exiguum militum numerum. Bithynia as a senatorial province had no legions stationed in it. Pliny, however, had several auxiliary cohorts under his command; see *Ep.* 21; one of which was a 'cohors sexta equestris'; *Ep.* 106. Nicomedeia was the chief 'statio,' *Ep.* 74. Trajan's instructions were that soldiers should be as little as possible away from their headquarters. *Ep.* 22; 'curandum ne milites a signis absint'; see *Ep.* 20.

distringat. Cf. i 10, 9, 'distringor officio'; v 5, 3, 'quamvis agendis causis distringeretur.'

§ 2. **dum.** For this semi-causal use of dum see Tac. *Ann.* ii 84, 'Romanis haud perinde celebris, dum vetera extollimus recentium incuriosi.'

culpam regerere. Cf. 'convicia regerere,' Hor. *Sat.* i 7, 29; 'invidiam regerere,' Tac. *Hist.* iii 78.

paucos milites addidi. Video tamen periculum esse ne id ipsum utrisque neglegentiae causa sit, dum communem culpam hi in illos, illi in hos regerere posse confidunt.

3 regerere, *B. and Cat.* regere, *Avant. and Ald.*

XX [XXXI]

TRAIANUS PLINIO S.

Nihil opus est, mi Secunde carissime, ad continendas custodias plures commilitones converti. Perseveremus in ea consuetudine quae isti provinciae est, ut per publicos servos custodiantur. Etenim ut fideliter hoc faciant in tua severitate ac diligentia positum est In primis enim, sicut scribis, verendum est ne, si permisceantur servis publicis milites, mutua inter se fiducia neglegentiores sint: sed et illud haereat nobis, quam paucissimos milites a signis avocandos esse.

1 opus est, *Cat.* opus sit, *B. and Ald.*

There is no need, my Pliny, to employ more soldiers to guard the prisoners; better to abide by the custom of the province and use the public slaves. Their loyalty must be your care. As you say, by employing both, you will make both careless, and I am particularly anxious that the soldiers should not be called away from their standards.

commilitones. Augustus in his desire to restore military discipline never used this term of the soldiers. Suet. *Aug.* 25, 'neque post bella civilia aut in concione aut per edictum ullos militum commilitones appellabat sed milites: ac ne a filiis quidem aut privignis suis, imperio praeditis aliter appellari passus est: ambitiosius id existimans quam aut ratio militaris aut temporum quies aut sua domusque suae maiestas postularet.' After the Julio-Claudian line, however, the emperors were much more dependent on the army. Galba twice addresses his soldiers in this way (Suet. *Galb.* 20): 'quid agitis commilitones? ego vester sum, et vos mei'; and (Tac. *Hist.* i 35) to the soldier who boasted that he had killed Otho, 'commilito, inquit, quis iussit?' Trajan, whose early life had been spent in the camp, took especial pains to win the confidence and affection of his soldiers. See Plin. *Panegyr.* § 13, 'cum tecum inediam, tecum ferrent sitim; . . . non tibi moris tua inire tentoria, nisi commilitonum ante lustrasses, nec requiem corpori nisi post omnes dare'; 'in praesentia quidem, quisquis paulo vetustior miles, hic te commilitone censetur. Quotus enim quisque cuius tu non ante commilito quam imperator?' Dio Cass. 68, 23.

in ea consuetudine quae isti provinciae est. For this observance of local customs see *Ep.* 68 109, 115, 113, 48, 93.

mutua inter se fiducia, by each relying on the other.

illud haereat nobis, let us abide by the general rule.

quam paucissimos milites a signis avocandos. Cf. *Ep.* 22.

XXI [XXXII]

De numero militum Gabio Basso praefecto adsignatorum

C. PLINIUS TRAIANO IMPERATORI

Gabius Bassus, praefectus orae Ponticae, et reverentissime

et officiosissime, domine, venit ad me et conpluribus diebus fuit mecum; quantum perspicere potui, vir egregius et indulgentia tua dignus. Cui ego notum feci praecepisse te ut ex cohortibus quibus me praeesse voluisti contentus esset beneficiariis decem, equitibus duobus, centurione uno. Respondit non sufficere sibi hunc numerum idque se scripturum tibi. Hoc in causa fuit quo minus statim revocandos putarem quos habet supra numerum.

Gabius Bassus, the praefect of the Pontic coast, has been with me for some days. As far as I could see, he is well worthy of your favour. I told him that he must be content with the number of soldiers you specified. He declares that they are insufficient, and promises to write to you. Meanwhile I have not recalled those whom he has in excess of the number.

§ 1. **Gabius Bassus.** Mentioned again in *Ep.* 86.

praefectus orae Ponticae. Generally speaking, a praefectus was one appointed as a deputy for another. In the provinces the praefecti were, compared with the governor, permanent officials, under the republic appointed by the governors themselves from the number of their friends, Corn. Nep. *Attic.* 6; Cic. *ad Attic.* vi 3, 6, under the empire, probably by the emperors. Of these some were appointed to civil, others to military duties. The latter were usually taken from the praefecti or tribuni of auxiliary cohorts. They had separate commands, generally at outlying stations, or to protect a particular frontier. The number of troops under them naturally depended on the danger and importance of the post. Thus (Tac. *Hist.* iv 65) Iulius Tutor was 'ripae Rheni a Vitellio praefectus,' *i.e.* he was entrusted with the protection of the Rhine frontier, and would need considerable troops. Again we find a 'praefectus ripae fluminis Euphratis,' Henz. 6943, which would also be an important post; and a 'praefectus ripae Tibisci Danuvii,' Orell. 3234. The 'praefectus orae maritumae conventus Tarraconensis' Wilmann, 1611, and the 'praefectus orae Ponticae' would have a less important charge, and may probably have had to look after the import duties, and to act as coast-guard officers. Cf. the *Praefectura Nymphaei portus in Sardinia*, Bormann Bullett. dell' Inst. 1869, p. 182, and cf. Cagnat, *de Municipalibus et Provincialibus Militiis*, p. 16 ff.

compluribus diebus. For the ablative in the sense of duration see Roby, *Lat. Gr.* 1184, 1185. It is only found in post-Augustan Latin; cf. Tac. *Hist.* i 53, 'quatuordecim annis exilium toleravit'; and the common phrase on sepulchral inscriptions 'vixit annis xx.' etc.

ex cohortibus quibus me praeesse voluisti. We have no means of knowing what cohorts they were, except that one was a cohors sexta equestris; see *Ep.* 106. The auxiliary cohorts were either quingenariae with 500 men; or miliariae with 1000; either of these again might be 'equitata.' The cohors miliaria equitata had 240 cavalry and 760 infantry; the coh. quinq. eq. had 120 cavalry and 380 infantry. Marquadt, *Staatsverw* ii. p. 470.

beneficiariis decem. All soldiers below the rank of centurion who were raised above the position of common soldiers either by exemption from the munera of the camp, or by any special duty, were called principales; 'hi sunt milites principales qui privilegiis muniuntur,' Vegetius 2, 7. The conferment of any of these privileges was a beneficium; and the recipients were the beneficiarii of those superiors who granted the privileges. Cf. Tac. *Hist.* i 25, 'primores militum per beneficia Nymphidii suspectos.' Each of the higher officers had a certain number of beneficiarii whom he could himself select and employ for special purposes. Cf. Tac. *Hist.* iv 48, 'aequatus inter duos beneficiorum numerus'; and we find in inscrip. bf. of the legatus; the praefectus legionis: the praefectus praetorio; and of the procuratores; see Marquadt, ii, p. 549; see Wilmann, 98, 1727, 1566, etc. The beneficiarii, therefore, were picked soldiers, from whom promotions to superior appointments were made.

equitibus duobus, belonging to a cohors equitata or equestris.

hoc in causa fuit quominus = hac causa prohibitus sum quominus.

XXII [XXXII]

TRAIANUS PLINIO S.

Et mihi scripsit Gabius Bassus non sufficere sibi eum militum numerum qui ut daretur illi mandatis meis complexus sum. Cui quae rescripsissem ut notum haberes, his litteris subici iussi. Multum interest in tempus poscat an hoc munere uti latius velit. Nobis autem utilitas demum spectanda est, et quantum fieri potest, curandum ne milites a signis absint.

3 cui quae rescripsissem, *Keil.*
quid quaeris scripsisse me? *B. and Ald.*
4 Keil's conjecture in the text.
te poscat an homines in se ut latius velint. *B. and Ald.*
res poscat an homines imperare latius velint, *Cat.*
tempus poscat an homines iure uti latius velint. *Orell.*

Gabius Bassus has written to me that the number of soldiers which I assigned him is insufficient. My answer I have ordered to be annexed for your information. It is important to distinguish between a temporary demand and a permanent increase of forces. We must look to the general advantage, maintaining as far as possible the rule to keep soldiers by their standards.

mandatis meis complexus sum. For this sense of complecti, to sum up in speech or writing, cf. Cic. *Phil.* xiv 11, 29. 'causas complectar ipsa sententia.' Lewis and Short cite also Quintil. iii 6, 13.

cui quae rescripsissem. This is Keil's emendation for the unsatisfactory reading of the Aldine edition: 'quid quaeris scripsisse me?' which Döring and J. C. Orelli retain. Gebauer's conjecture was 'quoi quae rescripserim.'

his litteris subici iussi. Trajan sends Pliny a copy of his rescript to Gabius Bassus.

multum interest . . . latius velit. This passage is very corrupt, and modern editors have attempted in various ways to make something out of the text of the old editions,—'te poscat an homines in se ut latius velint.' Catanaeus conjectured, 'res poscat an homines imperare latius velint'; imperare, however, as Döring points out, is inapplicable to a petty official like the praefectus orae Ponticae; Orelli reads 'tempus poscat an homines iure uti latius velint,' which, though generally accepted, seems hardly satisfactory. Homines is hardly a suitable expression; and the phrase iure uti latius is vague and indefinite. I have adopted Keil's suggestion, 'in tempus poscat an hoc munere uti latius velit,' as at least giving a clear antithesis between the two clauses. For the omission of utrum, cf. *Ep.* 30.

demum, exclusively. This is a purely post-Augustan use of the word; cf. Quintil. ii 15, 1, 'adeo suis demum oculis credidit,' and i 4, 29, 'quaedam verba tertiae demum personae figura dicuntur, ut licet, piget'; Suet. *Oth.* 6, 'nihil magis testatus est quam id demum se habiturum quod sibi ipsi reliquissent,' and *Aug.* 16, 'uno demum navigio.'

ne milites a signis absint. Cf. *suprà*, *Ep.* 20.

XXIII [XXXIIII]

De balineo Prusensium

C. PLINUS TRAIANO IMPERATORI

1 Prusenses, domine, balineum habent et sordidum et vetus.

§ 1. The people of Prusa, sire, have an old and dilapidated bath-house, which with your permission they wish to restore. My own opinion is that a new one should be

Idque tam inutile aestimant ut novum fieri debeat quod videris mihi desiderio eorum indulgere posse. Erit enim pecunia ex 2

1 itaque tamen aestimamus novam fieri quod *B.*
Id itaque indulgentia tua restituere desiderant: ego tamen aestimans novum fieri debere videris—*Ald.*

built, and I think you may safely grant their request. § 2. Money will be forthcoming for the work. I am already beginning to recover certain sums from private individuals, and the town is prepared to spend on a bath-house the grants which they have hitherto made for oil. Besides the rank of the community and the prestige of your reign demand that the work should be carried out.

§ 1. **balineum.** Few towns either in Italy or the provinces were without their public bath or baths. The vicus near Pliny's Laurentine villa had three, *Ep.* ii 17, 26. These were sometimes built at the public expense, Henz. 6985, 'colonis incolis peregrinis lavandis gratis D.D. P.P. (*i.e.*, decreto decurionum publica pecunia); sometimes by private munificence, Orell. 2287, 'qui lavationem gratuitam municip. incoleis hospitib. et adventorib. uxorib. serveis ancilleisque eor. in perpetuom dedit,' Henz. 6625. They were sometimes free from payment, as in the cases above; sometimes 'meritoria.' At Rome the usual charge was a quadrans; cf. Juv. vi 447, 'quadrante lavari,' and Hor. *Sat.* i 3, 137; in smaller places it was rather more. The baths were leased to a manager who had to comply with certain set conditions; cf. Juv. vii 4, 'balneolum Gabiis . . . conducere,' and Hübner and Momms. *Lex Metalli Vipascensis*, cited by Friedländer III, p. 133. An interesting inscr. is Orell. 3890, 'T. Varius Rufinus . . . balineum . . . p(ecunia) p(ublice) t(ributa) factum quod respublica a novo refecerat incendio maxima ex parte consumptum operibus ampliatis pec. sua restituit,' also Orell. 2222, 3982, 'balneum refectum dec. decr. pecun. public.' A splendid idea of the public baths of a municipal town may be gained from the Thermae Stabianae at Pompeii. The Baths of Caracalla at Rome are the best example of the magnificent baths of the capital.

The forms balneum and balineum are both found; the latter being most usual in the prose writers of the post-Augustan age and in inscr. Juvenal, however, has balnea. In the plur. the word is usually heteroclite balneae, balineae.

idque tam inutile etc. This passage has long been considered hopelessly corrupt. Aldus read 'Id itaque indulgentia tua restituere desiderant: ego tamen aestimans novum fieri debere videris,' etc., which Keil prints in his edition with a lacuna after aestimans, remarking in his note, 'lacuna quam indicavi pretium quanti balneum restituendum Plinius aestimavit cum verbo finito ex quo reliqua pendebant, excidisse videtur.' In this case, however, we should surely expect 'posse' rather than 'debere.' Now the Bodleian MS. reads after 'sordidum et vetus,' 'itaque tamen aestimamus novum fieri quod videris.' This, I think, proves that the sentence 'Id itaque . . . desiderant,' is an interpolation of Aldus, while it seems to me capable of being restored as I have printed it in the text without any very violent alteration; 'desiderio eorum' would of course be ablative not dative after indulgere.

desiderio, petition. For this post-Augustan sense cf. Tac. *Ann.* i 19, 'desideria militum ad Caesarem ferenda' Suet. *Aug.* 17, 'donec desideria militum ordinarentur,' Plin. *Panegyr.* 79, 'videmus ut provinciarum desideriis occurrat.'

quam revocare a privatis. See *supra. Ep.* 17.

quam ipsi erogari in oleum soliti. It was no uncommon thing for individuals to leave bequests to provide oil gratuitously at the baths on certain anniversaries, cf. Wilm. 2080 d, 'Caesiae Sabinae Cn. Caesi Athieti. Haec sola feminarum omnium matribus c̄ vir. et sororibus et filiab. et omnis ordinis mulieribus municip. epulum dedit diebusque ludorum et epuli viri sui balneum cum oleo gratuito dedit.' Orell. 748 . . . 'hic ob dedicationem statuarum equestris et pedestris oleum plebei utriusque sexui dedit;' Wilm. 309 'et eadem die ex denariis cc oleum in thermas publicas populo praeberi.' See also Gruter, p. 376, 5. 'L. Cecilius HS.N. xxx municipibus Comensibus legavit, quorum reditu quotannis per Neptunalia oleum in campo et in thermis et balineis omnibus quae sunt Comi populo praeberetur.' It is possible, however, that the oil was provided not for the baths, but for the home consumption of the people. At Rome distributions of oil among

qua fiat, primum ea quam revocare a privatis et exigere iam coepi, deinde quam ipsi erogare in oleum soliti, parati sunt in opus balinei conferre; quod alioqui et dignitas civitatis et saeculi tui nitor postulat.

the people were common in republican times, cf. Liv. xxv 2, 8; Suet. *Caes.* 38, and measures were taken for keeping down the price of oil, cf. Plin. h. n. 15, 2, and Plut. *Caes.* 55.

saeculi tui. Cf. on *Ep.* 1.

XXIIII [XXXV]

TRAIANUS PLINIO S.

Si instructio novi balinei oneratura vires Prusensium non est, possumus desiderio eorum indulgere; modo ne quid ideo aut intribuatur aut minus illis in posterum fiat ad necessarias erogationes.

3. intribuantur, *B. and Ald.*

If the construction of a new bath will not cripple the resources of Prusa, we may grant their request, only let no special tax be levied, and nothing must be taken from necessary expenses.

ne quid ideo intribuatur. Let no tax be levied for that purpose; a rare legal expression found in no other author.

ad necessarias erogationes; see on *Ep.* 17, 3.

XXV [X]

De adventu Servilii

C. PLINIUS TRAIANO IMPERATORI

Servilius Pudens legatus, domine, VIII Kal. Decembres Nicomediam venit meque longae expectationis solicitudine liberavit.

Servilius Pudens, my legate, arrived on the 24th Nov. at Nicomedia and relieved my long suspense.

Servilius Pudens. See Momms. *Hermes*, iii 99.

legatus. The proconsuls of the senatorial provinces had under them as assessores, legati pro praetore. The proconsuls of Africa and Asia had three each; the rest only one. They were solely employed in judicial and administrative business. Their Greek title was usually παρεδρεύοντες. Pliny, as holding the place of the proconsul of Bithynia, would have one legatus. See Dio Cass., 53, 14, 'τοὺς δὲ δὴ παρέδρους αὐτὸς ἑαυτῷ ἕκαστος αἱρεῖται, ἕνα μὲν οἱ ἐστρατηγηκότες (*i.e.* praetorii) . . . τρεῖς δὲ οἱ ὑπατευκότες (consulares),' cf. also Cic. *ad fam.* i 1, 2, 4, and *ad Quint. fr.* 1 3, 10, where Gabinius and Quintus, governors of Syria and Asia respectively, each have three legati. Cf. also the republican 'libera legatio.' Marquadt. *Staatsverw*, i p. 551.

Nicomediam venit. On Nicomedeia the capital of the province see *Ep.* 31. Pliny has by Nov. 24 passed from Prusa to Nicomedeia.

longae expectationis. Pliny's legate seems to have followed him from Rome, and owing to some delays on the road not to have arrived till two months later. Pliny would naturally be both anxious and inconvenienced.

XXVI [XI]

Pro Rosiano Gemino

C. PLINIUS TRAIANO IMPERATORI

Rosianum Geminum, domine, artissimo vinculo mecum tua 1
in me beneficia iunxerunt. Habui enim illum quaestorem in consulatu; mei sum observantissimum expertus. Tantam mihi post consulatum reverentiam praestat et publicae necessitudinis

3 summe, *Avant.* and *Ald.*

§ 1. Your kindness, sire, has united Rosianus Geminus to me by the closest bonds. As quaestor he was most respectful to me in my consulship: and he has since then tightened our public connection by private acts of friendship. § 2. I beg therefore that you will, in answer to my request grant him your special favour. I am more sparing in my praise of him because I feel sure that you are well acquainted with his honesty and zeal, both from the offices he has held in the city, and from the campaigns in which he has served under you. § 3. I fear that my recommendation is inadequate to my affection for him, but I again beseech you by advancing my quaestor to increase my dignity in his person.

§ 1. **Rosianum Geminum.** His full title is given Wilm. 1174 and 1175 T. Prifernius Sex. fil. Paetus Rosianus Geminus, where he is mentioned as one of the patroni lenunculariorum Ostiensium (boatmen of Ostia); see also Wilm. 1180.

Pliny writes the following letters to him vii 1, 24, viii 5, 22, ix 11, 30. He probably served as military tribune under Trajan in Germany, see below 'ex commilitio'; he was quaestor in 100 A.D. and in about 108 A.D. (the probable date of the publication of Book ix) was probably holding some office at Lugdunum, *Ep.* ix 11.

artissimo vinculo; see below on the relations between consul and quaestor.

tua in me beneficia, with special reference to the consulship.

quaestorem in consulatu. The number of quaestors under the empire was twenty. In their election the emperor had certain candidati, usually two, who when appointed were quaestores principis or Caesaris or Augusti and had special duties. Of the rest two were the quaestores urbani twelve were the provincial quaestores, and the remaining four were the consular or Italian quaestores. Previous to 38 B.C. the consuls had had one quaestor each, but Dio Cassius 48, 43, says 'ἐπὶ δ' Ἀππίου τε Κλαυδίου καὶ Γαΐου Νωρβάνου ὑπάτων, οἷς πρώτοις δύο ἑκατέροις ταμιεῖαι συνεγένοντο κ.τ.λ.' While the provincial quaestors were assigned to their provinces by sortitio Vell. Paterc. 2, 111; Dio Cass. 53, 28, the consuls had the right of selecting theirs for themselves. See Plin. *Ep.* iv 15, 'optamus enim tibi (*i.e.*, Fundanus) ominamurque in proximum annum consulatum . . . concurrit autem ut sit eodem anno quaestor, maximus ex liberis Rufi . . . hoc solum dico, dignum esse iuvenem quem more maiorum in filii locum adsumas.' For consular quaestors see also Tac. *Ann.* xvi 34, 'quaestor consulis,' and Plin. *Ep.* viii 23 5, 'qua modestia quaestor consulibus suis (et plures habuit).' As in some respects the consuls were in Italy what the proconsuls were in the provinces, their quaestors had certain functions in the administration of Italy. They were at one time stationed (1) at Cales, Tac. *Ann.* iv 27 'Curtius Lupus quaestor, cui provincia vetere ex more Cales evenerant: (2) at Ostia, Vell. Paterc. 2, 94, Suet. *Claud.* 24, (3) in Padane Gaul, Suet. *l. c.* 'Collegio quaestorum pro stratura viarum gladiatorum munus iniunxit, et detracta Ostiensi et Gallica provincia, curam aerarii Saturni reddidit.' Plut. *Sert.* 4 'ταμιὰς ἀποδείκνυται τῆς περὶ Πάδον Γαλατίας;' (4) possibly at Lilybaeum. See also Dio Cass. 35, 4, 'of Augustus 'καὶ ταμίας ἔν τε τῇ παραλίᾳ τῇ πρὸς τῇ πόλει καὶ ἐν ἑτέροις τισὶ τῆς Ἰταλίας χωρίοις ἄρχειν ἐποίησε.' Their Italian administration was put an end to by Claudius, Suet. *Claud.* 24, and Dio

2 pignera privatis cumulat officiis. Rogo ergo ut ipse apud te pro dignitate eius precibus meis faveas, cui et, si quid mihi credis, indulgentiam tuam dabis. Dabit ipse operam ut in iis quae ei mandaveris maiora mereatur. Parciorem me in laudando facit quod spero tibi et integritatem eius et probitatem et industriam non solum ex eius honoribus, quos in urbe sub oculis tuis gessit,
3 verum etiam ex commilitio esse notissimam. Illud unum, quod propter caritatem eius nondum mihi videor satis plene fecisse, etiam atque etiam facio teque, domine, rogo gaudere me exornata quaestoris mei dignitate, id est per illum mea, quam maturissime velis.

10 meum *B. and Ald.*

Cass 60, 24 '*τοῖς μὲν οὖν ταμιείαις τὴν διοίκησιν ἀντὶ τῶν ἀρχῶν τῶν ἐν τῇ Ἰταλίᾳ ἔξω τῆς πόλεως ἀντέδωκε*,' and since that time they seem to have assisted the consuls in the urban business. The quaestors were always regarded as in a semi-filial relation to their consuls or proconsuls, see Plin. *Ep.* iv 15, quoted above, and Cic. *ad fam.* xiii 10 'hanc quaestura coniunctionem liberorum necessitudini proximam esse.'

tantam = tantamdem, quite as much.

privatis cumulat officiis. Pliny's letters show that they were on intimate terms. Geminus tells Pliny that his books are sold in Lugdunum, somewhat to his surprise 'bibliopolas Lugduni esse non putabam' *Ep.* ix 11.

§ 2. **ut ipse apud te . . . indulgentiam tuam dabis.** There are several difficulties in this passage, and probably the reading may be partly corrupt. '**Apud te**' and '**cui et**' are especially hard to explain. Döring supposes a strong antithesis between 'ipse apud te precibus meis faveas' and 'cui et indulgentiam tuam dabis,' the former being a request for Trajan's good opinion of Rosianus, the latter for some positive promotion, the 'et' having a heightening force. But 'ipse apud te' is a very awkward expression for 'in your own mind' and the 'preces' are certainly not for Trajan's good opinion, but for his 'indulgentia'; 'pro dignitate' again does not mean 'as his worth deserves,' but 'in a manner commensurate with his station.' Precibus meis faveas, and indulgentiam tuam dare, must be taken as synonymous expressions, the latter serving somewhat clearly to define the former. I should prefer to take 'ipse apud te' as by your personal intervention'; the 'et' I should join to 'tuam'; and translate 'I beg you therefore personally to attend to my petition, and if you attach any weight to my recommendation, you will also grant him the favour as your own.'

ut maiora mereatur to deserve still higher promotion.

ex eius honoribus, quos in urbe . . . gessit. Rosianus was quaestor 100-101; he would then be either tribune or aedile, in either case after a full year's interval; he may also possibly have been praetor during the interval before the date of this letter, and Pliny may be asking for some praetorian appointment for him such as 'legatio legionis.'

verum etiam ex commilitio. Mommsen supposes that Rosianus was tribunus militum in the Dacian wars; but the military tribuneship was held before and not after the quaestorship, cf. the case of Trajan himself and Pliny. See also Plin. *Ep.* vi 31, 4, and therefore it seems best to refer the commilitium to Trajan's command in Upper Germany. Or Rosianus may have served in the Dacian wars as praefect of an auxiliary cohort.

§ 3. **illud unum,** explained by rogo.

propter caritatem eius qualifies nondum videor.

etiam atque etiam, not 'again and again,' but 'most urgently;' cf. Cic. *Verr.* ii 5, 72, 'haec quamquam nihilo meliora sunt nunc etiam atque etiam multo desperatiora,' and Lucret. 1, 295, 'quare etiam atque etiam sunt venti corpora caeca.'

exornata; cf. Pliny *h. n.* vii 43, 'L. Fulvius . . . eodem honore exornatus.'

id est per illum mea 'in other words, mine in his person.'

XXVII [XXXVI]

De militibus Maximo procuratori adsignandis

C. PLINIUS TRAIANO IMPERATORI

Maximus, libertus et procurator tuus, domine, praeter decem beneficiarios, quos adsignari a me Gemellino, optimo viro, iussisti, sibi quoque confirmat necessarios esse milites sex. Tres interim, sicut inveneram, in ministerio eius relinquendos ex-

4 Ex his interim sicut inveneram, *B. and Ald.* The reading in the text is Mommsen's conjecture.

Your procurator Maximus declares that in addition to the ten beneficiarii, whom by your orders I assigned to Gemellinus, he also must have six. Meanwhile I have left the three he already had in his service, especially as he is going to procure corn in Paphlagonia. Indeed I have added two horsemen as an escort. I beg you to send out word what your wishes are for the future.

Maximus. M. Ulpius Maximus was sub-procurator to Gemellinus; see *Ep.* 28; he is mentioned *Ep.* 89.

libertus. The more important procurators were usually taken from the equestrian order, but the inferior and less important posts were filled by freedmen; see *Friedländer*, vol. i p, 98.

procurator tuus. One class of procurators was concerned with the collection and settlement of all money paid into the fiscus, both in the imperial and senatorial provinces; cf. Tac. *Ann.* iv 6; res suas Caesar spectatissimo cuique, quibusdam ignotis ex fama mandabat; cf. also Tac. *Ann.* xiii 1, 'Ministri fuere P. Celer, eques Romanus, et Helius libertus, rei familiari principis in Asia impositi.' Of procurators in senatorial provinces we have examples in Tac. *Ann.* iv 15, 'procurator Asiae,' Tac. *Hist.* iv 50; 'Baebius Massa e procuratoribus Africae.' Orell. 3570, proc. prov. Baeticae. Henz. 5456 proc. prov. Narbonensis Orell. 485, proc. Ciliciae, etc., etc. In Bithynia there was a procurator since the province became senatorial, in 27 B.C., to manage the royal domains which had passed into the emperor's possession. See Dio Cass. 50, 33, and Tac. *Ann.* xii 21, for Iunius Cilo, who was for four years procurator Bithyniae, or as Tacitus says, 'proc. Ponti.' Other procurators of the province are C. Iulius Aquila under Nero, C. I. Gr. 3743. L. Antonius Naso under Vespasian Eckhel II. 404: and Terentius Maximus under Domitian Plin. *ad Trai.* 58. After Bithynia became an imperial province (see *Introd.*) there were several procurators in the province; (1) the procurator Ponti et Bithyniae who took the place of the proconsul's quaestor; (2) a procurator of the emperor's estates. Henz. 5530, proc. tam patrimonii quam rationum privatarum;' (3) a proc. ad vectig. xx hered. per Pontum et Bithyniam,' *i.e.* of the vicesima hereditatum; (4) a proc. xx lib. C. I. L. iii 249 (vicesima libertatis); and (5) a procurator for the import duty of 2½ per cent. Henz. 5530. Pliny had at least three procurators under him, Gemellinus, Maximus, his adjutor, and Epimachus; see *Ep.* 84. These 'procuratores rei privatae,' etc., must be distinguished from (1) the procurators who had the sole financial administration of the imperial provinces and who on occcasions even had some military power, Tac. *Ann.* iv 32; and (2) those procurators who were placed by the emperors over the smaller imperial provinces which had no legions quartered in them, such as Judaea, Thrace, etc., see Tac. *Hist.* i 11; 'duae Mauretaniae, Raetia, Noricum, Thracia, et quae aliae procuratoribus cohibentur,' *Ann.* xv 44. See Mommsen *Staatsrecht* ii 235; Marquadt *Staatsverw* i p. 555.

beneficiarios. See *supra* on *Ep.* 21.

Gemellino. Virdius Gemellinus was a procurator of Bithynia; see *infra*, *Ep.* 28 and 84.

optimo viro. Gemellinus was probably not a freedman, as is also implied in *Ep.* 84, 'adhibitis Virdio Gemellino et Epimacho liberto meo procuratoribus.

istimavi, praesertim cum ad frumentum comparandum iret in Paphlagoniam. Quin etiam tutelae causa, quia ita desiderabat, addidi duos equites. In futurum quid servari velis rogo rescribas.

necessarios esse milites sex. Tres interim sicut inveneram. This is Mommsen's emendation for the reading of the Aldine ed., 'milites, ex his interim sicut inveneram?' Keil supposes that a numeral has dropped out both after milites and after interim; but 'ex his' would still be very awkward, and may well represent 'sex. tris' of the M.S. The previous arrangement, therefore, had been that Gemellinus had ten soldiers, and Maximus three, which Pliny, awaiting Trajan's instructions made up to five from his own cohorts. After Trajan's rescript in *Ep.* 28, 'cum ad pristinum actum reversus fuerit,' he was to keep the 'duo equites,' and to have two of the ten soldiers of Gemellinus, while the other three which Maximus had had when Pliny arrived were restored to their headquarters.

ad frumentum comparandum. Trajan had from the very beginning of his reign laid special stress on facilitating the corn trade throughout the empire. He established corn factories in various places; and thus guarded against the possibility of famine, not only in Rome, but in every part of the empire, Plin. *Panegyr.* 29 'Instar ego perpetui congiarii reor affluentiam annonae;' so that Egypt itself was on one occasion assisted by the capital, *Panegyr.* 30. The magistrate who had the supreme direction of the corn supply of Rome was the 'praefectus annonae; Tac. *Ann.* i. 7, 13, 22. See Wilm. 691, 1271, 1252, 641, etc. He was the representative of the emperor, and it was his special duty to provide the Roman market with corn, and in later times with the necessaries of life, Henz. 6522; 'adiutori Ulpii Saturnini praef. annon. ad oleum Afrum et Hispanum recensendum,' etc. The praefectus had agents and assistants in the various provinces, see Orell. 3655, 'procurator Augg. ad annonam provinciae Narbonensis et Liguriae,' and Henz. 6522 quoted above. Wilm. 1063. In many of the provinces, however, and especially those which were not especially corn-growing countries, the governors themselves had to attend to the corn-supply both for their own armies, the provincials, and Rome. Thus Orell. 750 'we hear of Ti. Plautius Silvanus leg. Aug. prov. Moesiae,' that he 'primus ex ea provincia magno tritici modo populum Romanum adlevavit'; and similarly here Pliny sends one of his procurators to collect corn from Paphlagonia. All payments for corn to supply the capital or the army were made from the fiscus; Plin. *Panegyr.* 29, 'Emit fiscus quidquid videtur emere, inde copiae, inde annona.' For the abuses and oppression in connection with the exaction of corn in the provinces, see Cic. *Verr.* iii 82; Tac. *Agric.* 19.

in Paphlagoniam. Paphlagonia was originally a district intermediate between Bithynia and Pontus. It was bounded on the north by the Euxine, on the south by the mountain-chain of Olgassys, on the east by the Halys, and on the west by the Parthenius. After the conquest of Mithridates, Pompeius joined the seacoast of Paphlagonia to the new province of Pontus, while the interior of the country he gave back to native dynasts, Strabo. xii p. 541. The strip of coast land belonged permanently to Pontus-Bithynia, but the interior was, during the first century, made a part of Galatia; see Henz. 6912 and Marquadt i p. 358. Paphlagonia was generally a mountainous district, and it was only in the plains along the coast, *i.e.* in the part belonging to Bithynia, and so under Pliny's command, that any corn was grown. Amastris, Aboniteichos and Sinope (see *Ep.* 98, 99, 90, 91) were all in the coast-strip of Paphlagonia.

duos equites. See *supra* on *Ep.* 21.

XXVIII [XXXVII]

TRAIANUS PLINIO S.

Nunc quidem proficiscentem ad conparationem frumento-

rum Maximum, libertum meum, recte militibus instruxisti. Fungebatur enim et ipse extraordinario munere. Cum ad pristinum actum reversus fuerit, sufficient illi duo a te dati milites et totidem a Virdio Gemellino, procuratore meo, quem adiuvat.

You were right to supply Maximus with a military escort while he is engaged in procuring corn. But when he returns to his usual duties, your two soldiers and two more from Virdius Gemellinus will be quite sufficient.

frumentorum. This is especially used of standing corn; cf. Caes. *Bell. Gall.* i 16, 2. Sall. *Hist.* iii 67, 20. Hor. *Ep.* i 16, 72. It cannot, however, have this meaning here, as the letter must have been written at least as late as November; cf. *Ep.* 25.

et ipse, *i.e.*, as well as Gemellinus, to whom he was usually an adjutor.

extraordinario munere. 'A special mission'; here almost 'an independent command,' as, the procurators being concerned with the fiscus, there was nothing extraordinary in their being sent to procure corn; see *supra.*

ad pristinum actum. On 'actus' in the sense of 'munus, see Suet. *Claud.* 15 and 23; and the phrase in the Digest 'ab actu removeri.'

duo a te dati milites. Cf. *supra*, 'addidi duos equites.

XXVIIII [XXXVIII]

De servis inter tirones inventis

C. PLINIUS TRAIANO IMPERATORI

Sempronius Caelianus, egregius iuvenis, repertos inter 1
tirones duos servos misit ad me; quorum ego supplicium distuli, ut te conditorem disciplinae militaris firmatoremque con-

§ 1. Sempronius Caelianus reports that two slaves have been discovered among the enlisted soldiers. I have postponed their punishment until I have consulted you; § 2. and the more so, as though they have taken the military oath, they have not yet been assigned to any legion. As the matter is important as a precedent, I should be glad of your guidance.

§ 1. **Sempronius Caelianus, egregius iuvenis.** Probably a military tribune, or a praefect of some military cohort.

repertos inter tirones duos servos. Slaves were never allowed to serve in the army. The rule was: 'ab omni militia servi prohibentur: alioquin capite puniuntur'; cf. Livy xxii, 33; 'servi quinque et viginti in crucem acti quod in campo Martio coniurassent,' where 'coniurare' means to take the military oath. On occasions of necessity, however, slaves were sometimes enlisted, as after the battle of Cannae, Livy xxii 56, 11. In the civil wars, too, slaves were enlisted: by Marius, Plut. *Mar.* 41 and 43: by Pompeius, Caes., *Bell. Civ.* i 24, 2: by Labienus, Caes. *Bell. Afri.* 19, 3, by Cn. Pompeius *App. Bell. Civ.* ii, 103, etc. Even libertini were properly excluded from military service, for which ingenuitas was a necessary condition. The emperor, however, could always in particular cases evade this by the fictitious 'natalium restitutio,' and in serious crises freedmen were enrolled in considerable numbers. Suet. *Aug.* 25, 'libertino milite bis usus est: semel ad praesidium coloniarum Illyricum contingentium: iterum ad tutelam ripae Rheni fluminis.' With regard to the recruiting system generally Mommsen has shown in Hermes xix; (1) that in imperial provinces recruits were enrolled both for the legions and for the auxilliary forces; (2) that in senatorial provinces only legionaries were recruited; and (3) that the oriental legions were usually supplied from the oriental provinces, and the western from Gaul, Spain, Italy, and Germany. With regard to Bithynia we know that in the time of Trajan a large number of its recruits were sent to the African legion, III Au-

2 sulerem de modo poenae. Ipse enim dubito ob hoc maxime, quod, ut iam dixerant sacramento, ita nondum distributi in

1 ob·haec, *Ald.*
2 sacramento militar-i nondum, *Ald.*; militari om: ita add., *B.*

gusta; see an inscrip. cited in *Hermes*, xix p. 9. As Bithynia was temporarily under the emperor's administration, it is possible that the recruiting may have been for the auxiliary troops to supply the cohorts assigned to Pliny, but see below on 'distributi in numeros.'

te conditorem disciplinae militaris. Under Domitian there had been a serious military revolt in Upper Germany under L. Antonius Saturninus; while his jealousy of great commanders like Agricola tended to weaken military discipline. The disasters in the Dacian war of Domitian point to corruption and demoralisation. Domitian had also increased the pay of the legionaries by one-fourth. Suet. *Dom.* 7, "Addidit et quartum stipendium militi, aureos ternos.' It was the turbulence of the praetorian cohorts which induced Nerva to adopt Trajan, who restored discipline among these troops. Dio Cass. 68, 3; cf. also Plin. *Panegyr.* 6, 'Corrupta est disciplina castrorum ut tu corrector emendatorque contingeres,' and 'quam speciosum est quod disciplinam castrorum lapsam exstinctamque refovisti depulso prioris saeculi malo.'

ut iam—ita nondum. The *ita* is wanting in the Aldine ed., which, however, reads militar i nondum. Casaubon conjectured 'ut iam dixerint." Döring takes 'ut dixerunt' in the sense of 'postquam dix.' Mommsen conjectures needlessly 'etsi adacti erant.' I have followed B. in inserting 'ita.'

dixerant sacramento. Previous to the second Punic war there had been a distinction between the sacramentum taken by the newly enlisted troops, and the voluntary iusiurandum made to the tribunes. When this, however, was made compulsory (Liv. xxii 38 'milites tum, quod nusquam antea factum erat, iureiurando a tribunis militum adacti') sacramentum was used in general for the military oath of allegiance; cf. Caes. *Bell. Civ.* i 23. Suet. *Claud.* 13; Dionys. 10, 18, '*ὅτι πάντες ὀμωμόκασι τὸν στρατιωτικὸν ὅρκον ἀκολουθήσειν τοῖς ὑπάτοις ἐφ' οὓς ἂν καλῶνται πολέμους καὶ μήτε ἀπολείψειν τὰ σημεῖα μήτε ἄλλο πράξειν μηθὲν ἐναντίον τῷ νόμῳ.* It was originally taken only for the coming campaign, and had to be renewed to a new commander, cf. Liv. xxviii 29. Hence under the empire such phrases as 'sacramentum Othonis,' Tac. *Hist.* i 76, 'sacramentum Vespasiani,' *id. ib.* ii 79. The sacramentum, too, was regularly renewed by all the military forces on the 1st January each year, Tac. *Hist.* i 55, 'Inferioris tamen Germaniae legiones solemni Kalendarum Ianuariarum sacramento pro Galba adactae'; also *infra. Ep.* 52; on the anniversary of the emperor's accession. Besides the ordinary phrase 'sacramentum dicere,' Tac. *Ann.* i 28, 'sacramento dicere,' to declare by means of the oath, often occurs, etc. Livy ii 24; iv 53; xxiv 8; xli 5. Cf. also, of the tribunes who administered the oath, 'sacramento rogare,' Caes. *Bell. Gal.* iv 12; Livy xl 26, 'adigere sacramento,' Tac. *Ann.* i 37. Livy iv 5, etc.

ita nondum distributi in numeros erant. A 'numerus' in post-Augustan times was properly a body of soldiers under the single command of one officer. So centuriae and turmae were not numeri but cohortes were, cf. Tac. *Hist.* i 87, in numeros legionis; so also was a legion, Tac. *Ann.* ii 80, in numerum legionis; cf.; also Tac. *Agric.* 18, 'sparsi per provinciam numeri,' where it is equivalent to 'vexillationes'; also Tac. *Hist.* i 6, 'multi ad hoc numeri e Germania ac Britannia et Illyrico.' Cf. Suet. *Vespas.* 6, 'revocatis ad officium numeris.' See also Ulpian *Dig.* 3, 2, 2, 1, 'exercitum non unam cohortem neque unam alam dicimus, sed multos numeros militum'; 'distribuere in numeros' seems to be a special phrase for arranging the recruits or newly appointed officers in the various legions, so that 'in numeros' almost = in the muster-roll. So when Suetonius wishes to pass on to a friend the military tribuneship which Pliny had procured for him, Pliny says, *Ep.* iii 8, 4, 'ego honestissimae voluntati tuae pareo. Neque enim adhuc nomen in numeros relatum est.' The reading of the Ald. ed. for this was 'ut iam dixerant sacramento militar i nondum,' which I have restored from the Bodleian M.S., omitting militari, and inserting 'ita.'

cum pertineat ad exemplum, cf. vi 29, 2.

numeros erant. Quid ergo debeam sequi rogo, domine, scribas, praesertim cum pertineat ad exemplum.

XXX [XXXVIIII]

TRAIANUS PLINIO S.

Secundum mandata mea fecit Sempronius Caelianus mittendo ad te eos de quibus cognosci oportebit an capitale supplicium meruisse videantur. 1
Refert autem voluntarii se obtulerint an lecti sint vel etiam vicarii dati. Lecti si sunt, inqui- 2

§ 1. Sempronius Caelianus has acted agreeably to my instructions in sending you the men. Whether they deserve capital punishment will need investigation. Did they volunteer their services, or did the tribune enroll them, or were they given as substitutes? § 2. If they were enrolled, the recruiting officers were to blame; if they were substitutes, those by whom they were deputed; but if they knowingly and wilfully came forward, they must be executed. That they are not yet arranged on the muster-roll makes no difference. They were bound to declare their origin on the first day of enlistment.

§ 1. **refert autem**, etc. On the omission of utrum cf. supra *Ep.* 20. The 'vel etiam' is not the third alternative, as the two latter cases where the slaves are not in fault are both opposed to the first.

voluntarii. In republican times those who volunteered their services were said, 'nomina dare'; Livy x 25, 1, 'Concursus inde ad consulem factus omnium ferme iuniorum: et pro se quisque nomina dabant, tanta cupido erat sub eo duce stipendia faciendi'; also xlii 32, 6. Under the empire the motive for coming forward as volunteers was generally poverty and the desire to earn a living. The number of these volunteers was probably always on the increase, and did not tend to raise the efficiency of the army. Many no doubt, not qualified to serve, succeeded in evading the scrutiny. Cf. *Digest*, 49, 16, 5, § 10, 'plerumque voluntario milite numeri supplentur.' Tac. *Ann.* iv 4, 'multitudinem veteranorum praetexebat imperator, et dilectibus supplendos exercitus: nam voluntarium militem deesse; ac si suppeditet, non eadem virtute ac modestia agere; quia plerumque inopes ac vagi sponte militiam sumant.' There were thirty-two 'cohortes Italicae civium Romanorum voluntariorum,' consisting of Italians who desired military service, but either could not or would not enter the legions.

lecti; the ordinary term in connection with the conscription. Cf. Suet. *Tib.* 30, 'de legendo vel exauctorando milite.' The levy was in all cases carried out by virtue of a special commission from the emperor. In the senatorial provinces the proconsul was himself charged with this duty; in the imperial provinces it was discharged by commissioners of equestrian rank, called dilectatores, and who not only enlisted the soldiers, but scrutinised their bodily fitness as well as their political qualifications. See *Hermes* xix p. 56, and Mommsen, *Staatsrecht*, ii p. 820.

vicarii dati. The existence of vicarii in the Roman army, *i.e.* substitutes provided as recruits by the well-to-do cannot be proved earlier than the time of Trajan, nor do we know to what extent the system at this period had developed. In later times, however, the vicarii formed a large proportion of the legions, and if the ancient practice of excluding slaves was observed in the letter it was broken virtually by the great landowners who were allowed to send as their vicarii into the army large numbers of the coloni or barbarian serfs who were attached to their estates. Indeed the Roman armies who had to defend the frontiers against the Goths and Huns consisted very largely of this sort of soldier; see *Hermes*, xix p. 18.

inquisitio. On the abstract term see on *Ep.* 19. The inquisitores had to examine into the bodily fitness and effi-

sitio peccavit: si vicarii dati, penes eos culpa est qui dederunt: si ipsi, cum haberent conditionis suae conscientiam, venerunt, animadvertendum in illos erit. Neque enim multum interest quod nondum per numeros distributi sunt. Ille enim dies quo primum probati sunt veritatem ab iis originis suae exegit.

1 dati. lecti sunt, *B. and Ald.*
dati. lecti si sunt, *Cat.*

5 pro quo, *Ald.*
pro. om. *B.*

ciency of recruits, and also into their political status. Those who passed this scrutiny were 'probati'; see below.

animadvertendum in illos erit, capital punishment will have to be executed upon them.

veritatem originis suae, a true statement of their origin.

XXXI [XL]

De iis qui ex damnatione servi publici essent

C. PLINIUS TRAIANO IMPERATORI

1 Salva magnitudine tua, domine, descendas oportet ad meas curas, cum ius mihi dederis referendi ad te de quibus dubito.
2 In plerisque civitatibus, maxime Nicomediae et Nicaeae, qui-

§ 1. I must take advantage of your permission to consult you in my difficulties, and ask you to descend to my petty cares. § 2. I find that in several cities, and especially in Nicomedeia, and Nicaea, men condemned to the mines or to the arena, are discharging the duties of public slaves. I am undecided how to proceed in the matter. § 3. It seems hard to send back to their punishment men who have perhaps grown old, and have latterly led an honest life, and yet it is hardly fitting to employ convicts in public situations. I have therefore left the whole matter in suspense, until I have your decision. You will doubtless ask how it was that they were released from their penal position. In spite of inquiry I have no information on this point. The decrees containing their condemnation have been produced, but no documents to attest their release. This may possibly have taken place at the orders of the proconsuls, a view supported by the improbability of any one assuming such a responsibility unempowered.

§ 1. **salva magnitudine tua,** with all respect to your exalted position.

descendas oportet. I agree with Gierig in opposition to Döring that there is a certain amount of familiarity implied in these words, 'with all respect to your greatness, you must come down to minor cares.'

de quibus dubito. On the ellipse of the antecedent, see Kennedy, *Pub. Sch. Lat. Gram.* p. 367.

Nicomediae et Nicaeae. Nicomedeia was founded in 264 B.C. by Nicomedes I, and became the capital, and official residence of the proconsul of the province, Pontus-Bithynia, μητρόπολις καὶ πρώτη Βιθυνίας καὶ Πόντου. It had a temple to Augustus, Dio Cass. 51, 20, and was the seat of the consilium provinciae, C. I. Gr. 1720, κοινὸν τῆς Βιθυνίας ἐν Νικομηδίᾳ. In the third and fourth centuries it increased in importance, and was often the imperial residence. It was termed 'civitas splendidissima Nicomedensium,' Orell. 798, and in the fourth century was made a colonia. Orell. 1060. In earlier times the title of μητρόπολις had been contested by Nicaea (Strabo, xii p. 565), which was first founded in 316 B.C. under the name of Antigoneia by Antigonus on the east shore of the lacus Asconius. Lysimachus called it Nicaea after his wife. After the time of Caligula, however, the title of μητρόπολις was finally given to Nicomedeia, although there was still a feeling of soreness about

dam vel in opus damnati vel in ludum similiaque his genera poenarum publicorum servorum officio ministerioque funguntur atque etiam ut publici servi annua accipiunt. Quod ego cum audissem, diu multumque haesitavi quid facere deberem. Nam 3
et reddere poenae post longum tempus plerosque iam senes et, quantum adfirmatur, frugaliter modesteque viventes nimis severum arbitrabar, et in publicis officiis retinere damnatos non satis honestum putabam; eosdem rursus a re publica pasci otiosos inutile, non pasci etiam periculosum existimabam. Ne- 4
cessario ergo rem totam, dum te consulerem, in suspenso reliqui. Quaeres fortasse quemadmodum evenerit ut poenis in quas damnati erant exsolverentur: et ego quaesii, sed nihil

1 similia in his, *Ald.* similiaque his, *B.*

10 relinqui, *Ald.* reliqui, *B.*

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it. But for the title of πρώτη πόλις there was a long and bitter dispute between the two cities. The thirty-eighth speech of Dio Chrysostom was intended to allay this strife which after all was περὶ ὀνόματος μόνον, and as a matter of fact the title was used by both cities. Cf. Dio Chrys. vol. ii p. 140, ἂν δὲ τὸ μὲν τῆς μητροπόλεως ὑμῖν ὄνομα ἐξαίρετον ᾖ τὸ δὲ τῶν πρωτείων κοινὸν ᾖ τί κατὰ τοῦτο ἐλαττοῦσθε; Cf. also Eckhel ii 427, Νεικαιεῖς πρῶτοι Πόντου καὶ Βιθυνίας. For a description of Nicomedeia see Libanius Or. 62, and Ammiam. Marcel. 22, 9, 3, 'inde Nicomediam venit urbem antehac inclytam, ita magnis retro principum amplificatam impensis, ut aedium multitudinem privatarum et publicarum recte noscentibus regio quaedam urbis aestimaretur aeternae.'

in opus damnati vel in ludum. These were forms of the servitus poenae, the punishment instituted under the empire for 'personae humiles.' Damnatio ad metalla (*i.e.* mines or stone-quarries) was the severest of all. *Digest*, 1, 13, 'proxima morti poenae metalli coercitio.' Damn. ad opus metalli was somewhat milder; *Digest*, 48, 19, 8, 'inter eos autem qui in metalla et eos qui in opus metalli damnantur, differentia in vinculis tantum est, quod qui in metalla damnantur gravioribus vinculis premuntur, qui in opus metalli levioribus.' Again, damnatio ad gladium was harsher than damn. ad ludum 'nam ad gladium damnati statim consumuntur vel certe intra annum debent consumi . . . qui in ludum damnantur non utique consumuntur sed . . . rudem accipere possunt post intervallum; . . . post triennium rudem induere iis permittitur.' The crimes usually punished in these ways were furtum, rapina, sacrilegium, incendium and falsum, see *Ep.* 58. They all involved capitis deminutio maxima, *i.e.* loss of liberty and citizenship; cf. Plin. *Ep.* ii 11, 6. Caligula applied this mode of punishment to those of higher rank; Suet. *Calig.* 27, 'multos honesti ordinis deformatos prius stigmatum notis ad metalla et munitiones viarum aut ad bestias condemnavit.'

publicorum servorum; see on *Ep.* 19.

annua accipiunt. The public slaves received an annual sum of money for food; see *loc. cit.*

reddere poenae. These convicts might without any irregularity have been freed from the poena, but it must have been by a definite decree or edict, which in this case had apparently been dispensed with.

in publicis officiis; as to the various employments of the publici, see on *Ep.* 19.

in quas damnati erant. Catanaeus quite unnecessarily alters damnati to dati, possibly out of regard to the phrase in Trajan's letter following 'ad balineum . . . dari.'

monimenta. For the use of the word in the sense of written documents see Tac. *Hist.* ii 101, 'scriptores temporum qui . . . monimenta belli huiusce composuerunt'; Suet, *Caes.* 54, 'ut quidam monimentis suis testati sunt'; see also Plin. *Ep.* ii 10, 4, 'Habe ante oculos mortalitatem: a qua adserere te hoc uno monimento potes.'

comperi quod adfirmare tibi possim. Ut decreta quibus damnati erant proferebantur, ita nulla monimenta quibus liberati probarentur. Erant tamen qui dicerent deprecantes iussu proconsulum legatorumve dimissos. Addebat fidem quod credibile erat neminem hoc ausum sine auctore.

1 possim, *B.* possum, *Ald.*

quibus liberati probarentur, by which their liberation could be established; cf. *Ep.* iii 9, 35, 'si ille prevaricator probaretur.'

deprecantes, with a view to help them.

proconsulum. On Bithynia as a senatorial province see introduction.

legatorum. Not here the legati Caesaris, as Pliny is the first apparently of these extraordinary governors of the province, but the legati pro praetore or assessores, in Greek παρεδρεύοντες who assisted the proconsuls of the senatorial provinces in their judicial business; see note on *Ep.* 25.

quod credibile erat neminem; not of course so nearly strong as 'quod incredibile erat aliquem.' The former case offers simply a fair presumption.

XXXII [XLI]

TRAIANUS PLINIO S.

1 Meminerimus idcirco te in istam provinciam missum quoniam multa in ea emendanda apparuerint. Erit autem hoc vel maxime corrigendum, quod qui damnati ad poenam erant non modo ea sine auctore, ut scribis, liberati sunt, sed etiam in
2 conditionem proborum ministrorum retrahuntur. Qui igitur intra hos proximos decem annos damnati nec ullo idoneo

5 quod qui, *Cat.* quo qui, *Ald.*

§ 1. We must remember that you were specially sent to the province to bring about certain reforms. And one of these reforms must be brought to bear on the practice of not only liberating convicts without authority, but even restoring them to the position of non-criminal officials. § 2. Therefore those condemned within ten years and liberated without due authority must be sent back to their punishments. Those whose sentence is of longer standing than ten years must be distributed among such semi-penal employments as cleaning the sewers, building roads, and attending at the baths.

meminerimus; cf. *Ep.* 34.

idcirco te in istam provinciam missum quoniam, etc.; cf. *Ep.* 18, 'tu dabis operam ut manifestum sit illis electum te esse qui ad eosdem mei loco mittereris,' and *Ep.* 117, 'sed ego ideo prudentiam tuam elegi ut formandis istius provinciae moribus ipse moderareris et ea constitueres quae ad perpetuam eius provinciae quietem essent profutura.' The accusations of Iulius Bassus and Varenus Rufus show how much confusion there had been in the province; see *Epp.* iv 9, v 20, vii 6.

damnati ad poenam; an unusual construction, but framed here on the analogy of damnati in metalla, opus, ludum, etc.; cf. also Tac. *Ann.* vi 38, 'extremum ad supplicium damnatus; xvi 21, 'ad mortem damnabatur.' Cicero, Caesar, Livy, and Seneca more often use the ablative.

sine auctore. Trajan does not accept the presumption that there must have been an order of some proconsul or his legate.

proborum, *i.e.* without the stigma of conviction.

retrahuntur. The word implies the illegal restoration in opposition to restituuntur or redduntur.

auctore liberati sunt, hos oportebit poenae suae reddi: si qui vetustiores invenientur et senes ante annos decem damnati, distribuamus illos in ea ministeria quae non longe a poena sint. Solent enim eiusmodi ad balineum, ad purgationes cloacarum, item munitiones viarum et vicorum dari.

idoneo auctore. Cf. Cic. *Brut.* 15, 57, 'cuius eloquentiae est auctor, et idoneus quidem mea sententia, Q. Ennius.'

vetustiores, of longer standing in regard to their position as convicts.

senes, in regard to age.

ministeria, inferior employments. Cf. Sen. *de Benef.*, 'beneficium esse quod alienus dat: officium esse filii, uxoris, etc., ministerium esse servi quem conditio sua eo loco posuit ut nihil eorumque praestat imputet.'

sint; subj., because quae practically = ἃ ἄν.

eiusmodi, men of this sort.

ad balineum, for cleansing the public baths. The managers of the baths, who generally undertook the work on contract, were bound by their agreement to keep the baths open between certain hours, to have fresh water every day, and to clean the baths out at least every month. Cf. Hübner and Mommsen, *Lex Metalli Vipascensis*, Eph. *Epigr.* iii 105 seq. The last duty was usually performed by convicts.

ad purgationes cloacarum. At Rome the cloacae were under the charge of the 'curatores riparum et alvei Tiberis et cloacarum sacrae urbis,' Wilmann, 851. These officials let the duty out on contract to certain mancipes or redemptores, who were especially looked down upon; cf. Juv. iii 32; and the workmen employed were usually criminals. Prof. Mayor quotes Hieronymus, 'in urbibus eos qui aliquid commisere flagitii videmus . . . mundare spurcitias cloacarum.'

ad munitiones viarum. Cf. Suet. *Calig.* 27, cited above.

vicorum. A vicus was properly a complex of buildings; and so in a city, either a quarter, or a street, 'quod ex utraque parte viae sunt aedificia,' Varro, *de l. Lat.* 5, 145. The streets of a city, however, are also sometimes 'viae'; cf. *Lex. Iul. Municip.* 7, 'quae viae in urbem Romam proprius ve urbem Romam passus M., utei continente habitabitur, sunt,' etc.; see Tac. *Ann.* xv 38, 'flexis atque enorminibus vicis.'

XXXIII [XLII]

De collegio fabrorum Nicomedensium instituendo

C. PLINIUS TRAIANO IMPERATORI

Cum diversam partem provinciae circumirem, Nicomediae 1 vastissimum incendium multas privatorum domos et duo publica opera quamquam via interiacente, Gerusian et Iseon, absumpsit.

3 Isson, *B. and Ald.*

While I was absent in another part of the province, Nicomedeia was visited with a serious fire, which destroyed many private houses and two public buildings, the Gerusia and the Iseon. The fire spread, both owing to the wind and the lethargy of the people, who are said to have remained mere spectators of the disaster. And indeed there are no fire-engines or buckets, and no appliances for extinguishing fires. I have given orders for these to be provided. It is for you to decide whether a collegium of firemen should not be formed, not to exceed 150 in number. I will take care that they are bona-fide firemen, and that their privileges are not used for other purposes. It cannot be hard to watch so small a number.

§1. **circumirem,** *i.e.* to attend at the various conventus in the province.

vastissimum incendium. Fires were

2 Est autem latius sparsum primum violentia venti, deinde inertia hominum, quos satis constat otiosos et inmobiles tanti

2 quos, *Ritterhusius.* quod. *Ald.*

extremely frequent in Rome, and though mention of them in other towns is rare, they were not likely to be fewer in the provinces, where less adequate precautions were taken against them. The height of the houses, the narrowness of the streets, and the wooden projections which were frequently attached to the lower stories, all helped to make the danger greater. In 27 A.D. there was a great fire on the Caelian, Tac. *Ann.* iv 64; in 37 A.D. one on the Aventine and in the Circus, Tac. *Ann.* vi 45. Fires in Caligula's time are incidentally mentioned, Suet. *Calig.* 16. The great fire under Nero is described, Tac. *Ann.* xv 38 seq. after which temples were protected by having their open spaces enclosed by a wall. Under Titus there was a fire in the Campus Martius for three days and nights, Suet. *Tit.* 8. Under Antoninus Pius 340 dwelling-houses were destroyed by a single fire. All this took place in Rome in spite of the 7000 firemen or vigiles instituted by Augustus, and distributed into the seven cohortes vigilum under the command of the praefectus vigilum. In the provincial towns there can hardly have been more protection against fire as a rule than Pliny finds at Nicomedeia. In 58 A.D. Lugdunum was almost completely destroyed in a single night, Seneca, *Epp.* 91; Tac. *Ann.* xvii 13. In 53 A.D. Bononia suffered much by a fire, and was assisted by a grant of ten million sesterces; Tac. *Ann.* xii 58.

quamquam, with partic. Cf. Plin. *Ep.* i 12, 3, 'quamquam plurimas vivendi causas habentem'; also iii 4, 5; and iii 6, 4; Juv. iv 60, 'quamquam diruta'; and *Ep.* 39.

Gerusian. This has nothing in common with the political institution of the same name in Ephesus, Strab. 14, 1, 21. Its true character is shown by a passage in Vitruvius, 2, 8, 10, 'Croesi (domum) Sardiani civibus ad requiescendum aetatis otio seniorum collegio Gerusiam dedicaverunt.' It is mentioned also by Pliny h.n. 35, 14, 9, and by many inscrr. of Asia Minor. In particular, an inscrip. recently found on the site of the Lycian town, Sidyma (mentioned in Mommsen, *Rom. Gesch.* v. p. 326) relates that the senate and people determined to institute a gerusia, and to elect for it fifty βουλευταί and fifty other citizens, who were then to appoint a Gymnasiarch. It was no doubt a sort of πρυτανεῖον where there were common meals and common festivals for deserving citizens in their old age.

Iseon. This is no doubt the correct reading, instead of the meaningless Isson of the Aldine text. The worship of Isis was first introduced into Rome soon after the second Punic war, and the sanctuary of the goddess was placed on the Capitol, cf. 'Isis Capitolina,' C. I. L., i 1034; 'Isis triumphalis,' C. I. L. vi 355. Cf. also Suet. *Dom.* 1; Tac. *Hist.* iii 74. In spite of frequent prohibitions of the senate, the worship gained ground, and 93 B.C. the first public temple to Isis was built by the triumviri in the Campus Martius, Dio Cass. 47, 15. Subsequently other temples were added, but all had to be outside the pomoerium, Dio Cass. 53, 2. The worship of Isis was particularly popular among women; cf. Juv. vi 522 *seq.* Tiberius tried to check it, Tac. *Ann.* ii 85, but later emperors favoured it, as Otho, Suet. *Oth.* 12, 'sacra etiam Isidis saepe in lintea religiosaque veste propalam celebrasse dicitur,' Domitian, *Eutrop.* 7, 23. Cf. also Lucan, 8, 831. The worship was extended throughout the western provinces. It is attested by inscrr. at Capua, Orell. 1871; Southern Gaul, Orell. 1876; Vicus Aquensis in Switzerland, Orell. 457; at Noreia in Noricum, Orell. 2034; in lower Germany, Orell. 1894. In the east and the Greek provinces the Isis-cult was both more ancient and more extended. The following inscrr. from Böeckh, C. I. Gr., prove its existence at Chios, 2230; Delos, 2293; Ephesus, 2955; Paros, 2411; Strabo mentions it in Cyprus; Appian in Rhodes. In Andros was discovered, on four slabs of marble, a hymn to Isis, edited by Sauppe in 1842.

§ 2. **alioqui**, apart from that.

sipho, properly a small pipe, 'quem diabeten vocant mechanici,' here and in the *Digest* a fire-engine.

hama, fire-bucket. Cf. Juv. xiv 305, 'Dispositis praedives hamis vigilare cohortem Servorum noctu Licinus iubet.'

nullum instrumentum ad incendia compescenda. A list of these instrumenta is given in the *Digest*, 23, 7, 18, 'Acetum quoque, quod extinguendi in-

mali spectatores perstitisse; et alioqui nullus usquam in publico sipho, nulla hama, nullum denique instrumentum ad incendia conpescenda. Et haec quidem, ut iam praecepi, parabuntur. Tu, domine, dispice an instituendum putes collegium fabrorum 3
dumtaxat hominum CL. Ego attendam ne quis nisi faber

3 ut haec, *Ald.*[1]
et haec, *Ald.*[2]

3 parabuntur, *Cellarius.*
parabantur, *B. and Ald.*

cendii causa paratur, item centones (pieces of sack-cloth) siphones, perticae quoque et scalae et formiones (mats) et spongias et hamas et scopas (brooms) contineri plerique et Pegasus aiunt.'

§ 3. **collegium fabrorum.** Collegia might be either religious brotherhoods, as the Collegium Aesculapii et Hygiae, Wilm. 320, or burial clubs, as the Collegium Lanuvinum (Henz. 6086), or guilds of workmen, like the various collegia fabrum. In all cases, however, they had peculiar 'sacra' of their own, which were the outward sign of their union, definite officers, a common treasury, an annual fête-day, and a regular constitution drawn up in the lex collegii, of which the best example is the lex collegii Lanuvini. The original number of collegia fabrum said to have been founded by Numa Pompilius, gradually received both in Rome and the municipal towns large additions, some with, some without, the consent of the senate. In Rome the various collegia were under the control of the praefectus urbi, in the Italian towns of the aediles, in the provinces of the legati or proconsuls. Towards the close of the republic many of these collegia were used as political clubs, and caused disturbances and corruption at the comitia. In consequence in 68 B.C. by a senatus consultum, 'collegia sublata sunt quae adversus rempublicam videbantur esse,' Ascon. *in Pis.* 4. Clodius, however, in 58 B.C., restored these and added fresh ones; Cic. *pro Sext.* 25, 'ut collegia non modo illa vetera contra senatus consultum restituerentur sed . . . innumerabilia alia nova conscriberentur,' and Dio Cass. 38, 13. Caesar again, 'cuncta collegia praeter antiquitus constituta distraxit,' Suet. *Caes.* 42, a policy followed by Augustus, *id. Aug.* 32; and Claudius, Dio Cass. 60, 6; and Nero, Tac. *Ann.* xiv 17, 'collegia quae contra leges instituerant (Pompeiani) dissoluta.' The formula used for those which were legally constituted was 'quibus ex senatus consulto coire licet,' Orell. 1567, etc. Ulpian, *Dig.* 47, 22, 2, says, 'quisquis illicitum collegium usurpaverit, ea poena tenetur qua tenentur qui hominibus armatis loca publica vel templa occupasse iudicati sunt.' See also *Dig.* 47, 22, 1, 'Mandatis principalibus praecipitur praesidibus provinciarum ne patiantur esse collegia sodalicia neve milites collegia in castris habeant.' Among the collegia most frequently mentioned in inscrr. we find collegia fabrum et centonariorum, and simply coll. centonariorum. The centones were coverings of matting or cloth used for protecting military engines against fire, and also for extinguishing fires in towns; in which connection they are mentioned in the *Digest* cited above. In all probability these collegia centon. were corps of firemen such as Pliny wished to establish at Nicomedeia. They are found at Lugdunum, Henz. 7256; Sarmizegethusa, Henz. 6919; Aquileia, Orell. 4082; Salonae, Orell. 4429, and in a large number of Italian towns; see *Index* in Henzen, pp. 171 and 172. Marquadt, *Privatleben*, p. 698, supposes that the coll. dendrophororum and tignariorum were also used for firemen. See also Marquadt, *Staatsverw.* ii p. 530.

dumtaxat hominum CL. Dumtaxat is often used in defining either a maximum or minimum in numerical statements. Cf. *Dig.* 25, 4, 1, 10, 'mittantur mulieres liberae dumtaxat quinque.' *Lex Acil. Repet.* 32, 'secum duxerit dumtaxat homines III.' For dumtaxat defining a minimum, see *Dig.* 50, 16, 202. The members (populus, plebs) of the collegia were sometimes a fixed number, sometimes unlimited. The collegium Aesculapii et Hygiae, *e.g.*, was to be for 'hominibus numero LX.'

ne quis nisi faber. There were to be no honorary members by whom the coll. might be used for political ends. See *Dig.* 50, 6, 6, 12, 'nec omnibus promiscue qui adsumpti sunt in his collegiis immunitas datur, sed artificibus dumtaxat.'

recipiatur neve iure concesso in aliud utantur; nec erit difficile custodire tam paucos.

1 utantur, *Mommsen.* utatur, *Ald.*

XXXIIII [XLIII]

TRAIANUS PLINIO S.

1 Tibi quidem secundum exempla conplurium in mentem venit posse collegium fabrorum apud Nicomedenses constitui. Sed meminerimus provinciam istam et praecipue eas civitates eiusmodi factionibus esse vexatas. Quodcumque nomen ex quacumque causa dederimus iis qui in idem contracti fuerint . . .
2 hetaeriae aeque brevi fient. Satius itaque est conparari ea quae

1 conplurium, *Cat.* conplurimum, *B. and Ald.*
5 fuerint, hetaeriae quae breves fient, *B. and Ald.*
quamvis breves fient, *Cat.* *ἑταιρίαι ἑταῖροι* que brevi fient, *Orell.*

You think that a society of firemen might be formed at Nicomedeia, as at many other places. But we must remember that your province has been especially disturbed by factions arising from such institutions. Whatever name they bear, it is almost certain that men so united will become a political club. It will be better therefore to supply the necessary apparatus in case of fire, to warn the landlords to take precautions for themselves, and, in case of necessity, to make use of the populace in extinguishing fires.

secundum exempla conplurium. See the *Index* in Henzen for places where these collegia existed.

provinciam istam, your province. Cf. *supra*, *Ep.* 32, 'te in istam provinciam missum.'

praecipue eas civitates, *i.e.* Nicomedeia and perhaps Nicaea. These disturbances were among the 'multa emendanda' which made a special imperial legate necessary. We learn from Dio Chrys. how Nicomedeia and Nicaea were always quarrelling about the title of *πρώτη πόλις*, and very likely the collegia may have had an active part in these contentions, just as we find that the quarrel between Nuceria and Pompeii caused the dissolution of a number of illegal collegia, Tac. *Ann.* xiv 17, cited above.

qui in idem contracti fuerint. This was the common definition of all collegia, which were a collection of a number of personae for some common object.

hetaeriae aeque brevi fient. They will become political associations all the same. The Bodleian MS. and Aldus read hetaeriae quae breves fient. Keil supposes the original to have been hetaeriae que brevi fient after a lacuna. The reading in the text is an admirable conjecture of Bishop Lightfoot. The *ἑταιρίαι* at Athens were societies not recognised by the state, but at best only tolerated. Their aim was always more or less political. They were sometimes *ἐπὶ καταλύσει τοῦ δήμου*, Demosth. *contr. Steph.* ii § 26, or *ἐπὶ νεωτέροις πράγμασιν*; sometimes they were *συνωμοσίαι ἐπὶ δίκαις καὶ ἀρχαῖς*, Thuc. viii 54. Cf. Demosth. *in Mid.* § 139; *in Zenoth.* § 10, etc. To what an extent the collegia did actually mingle in politics is shown in the Pompeian wall inscrr. See especially Wilmann, 1952 g—— p. etc. . . . where the muliones, furunculi, aurifices, lignarii, tonsores, and pomarii recommend their special candidate for the aedileship. In Aurelian's time the monetarii caused what Vopiscus, *Aurel.* 38, describes as bellum in the city.

§ 2. **dominos praediorum.** Here the praedia are the urbana praedia; cf. *Dig.* 50, 16, 198, 'urbana praedia omnia aedificia accepimus . . .; urbanum praedium non locus facit sed materia.'

ut et ipsi inhibeant, to employ these means at their own expense; a rare use of the word. Cf. 'imperium inhibere,' Liv. 36, 28.

adcursu populi. Cf. Tac. *Ann.* iv 41, 'populi adcursus multitudinem adfluentium increpat.' Ovid. *Fast.* ii 372, 'adcursu praeda recepta Remi.'

ad coërcendos ignes auxilio esse possint admonerique dominos praediorum ut et ipsi inhibeant, ac si res poposcerit, adcursu populi ad hoc uti.

XXXV [XLIIII]

Votorum nuncupatio

C. PLINIUS TRAIANO IMPERATORI

Sollemnia vota pro incolumitate tua, qua publica salus continetur, et suscepimus, domine, pariter et solvimus, precati deos ut velint ea semper solvi semperque signari.

2 suscepimus, *Gierig.* suscipimus, *B. and Ald.*

We have offered our annual vows, sire, for your safety and that of the empire which is involved in it. May heaven grant that they may always be both offered and confirmed.

This letter was written on the 3rd January 112 A.D.

sollemnia vota. The 'vota publica' for the emperor's safety were solemnly paid on the Capitol at Rome, in the various camps and in the provinces, and fresh vows undertaken for the coming year, on the 3rd January. Cf. Plut. *Cic.* 2, Capitol, *Pert.* 6 'denique tertium nonarum diem (Ianuarii) votis ipsis,' etc., vota solvere = to pay vows for the past year; suscipere vota = to make vows for the coming year; nuncupare vota = solemnly to repeat the vows made. Cf. Mart. viii 4, 'Quantus io Latias mundi conventus in aras, Suscipit et solvit pro duce vota suo.' Suet. *Aug.* 97, Tac. *Ann.* iv 17, 'pontifices eorumque exemplo ceteri sacerdotes, cum pro incolumitate principis vota susciperent, xvi 22,' etc., Gaius, *Dig.* 16, 233, § 1. Post Kalendas Ianuarias die tertio pro salute principis vota suscipiuntur.' Publica vota were also made on the anniversary of the emperor's accession; cf. *Ep.* 52, and *Panegyr.* 94; on his return from a journey, Suet. *Tib.* 38, 'vota pro itu et reditu suo suscipi passus'; and on his birthday, Mart. iv 1.

signari. Catanaeus says, 'post enim nuncupationem signata servabantur ad finem anni cum persolvebantur et alia nova nuncupabantur.'

XXXVI [XLV]

TRAIANUS PLINIO S.

Et solvisse vos cum provincialibus diis inmortalibus vota pro mea salute et incolumitate et nuncupasse libenter, mi Secunde carissime, cognovi ex litteris tuis.

I am rejoiced to hear, my dear Pliny, that you and the provincials have paid your vows for my safety and renewed them for the coming year.

XXXVII [XLVI]

De aquae ductu Nicomedensium

C. PLINIUS TRAIANO IMPERATORI

1 In aquae ductum, domine, Nicomedenses inpenderunt HS. [XXX] CCCXXIX, qui inperfectus adhuc relictus et destructus etiam est: rursus in alium ductum erogata sunt CC. Hoc quoque relicto novo inpendio est opus, ut aquam habeant qui

2 XXX CCC XXIX, *B. and Ald.* tricies pro XXX coni, *Perizonius.* relictus atque etiam destructus, *Ald.* emissum et destructus etiam, *B.*

§ 1. The citizens of Nicomedeia have spent more than three million sesterces on an aqueduct, which has been abandoned and ultimately destroyed. Another grant of 200,000 sesterces was made for a fresh aqueduct, which was also abandoned, and so fresh expense must be incurred that these wasteful citizens may be supplied with water. § 2. I have myself visited a spring of pure water from which the city could be supplied. The aqueduct must be raised on arches, according to the original plan, in order that the water may be distributed to the higher parts of the city. A few arches still remain; others can be constructed of the solid masonry which has been taken from the previous work; some portions might be made of brick, being an easier and cheaper material. § 3. First, however, it is necessary that you should send an inspector of aqueducts or an architect to prevent a third fiasco. I will only add that the utility and beauty of the work will be worthy of your reign.

In aquae ductum; cf. *Ep.* 90, on a projected aqueduct for Sinope, and an interesting inscr. (Wilm. 785) in which Varius Clemens, procurator of Mauretania Caesariensis, writes to Valerius Etruscus, legate of Numidia, asking for a librator to examine a projected aqueduct for the town of Saldae, 'ad montem me perduxit ubi cuniculum dubii operis flebant, quasi relinquendus habebatur, ideo quot perforatio operis cuniculi longior erat effectu quam montis spatium.

[XXX] CCCXXIX. The Ald. ed. leaves a space after [XXX], and Perizonius followed by Gesner conjectured that [XXX] should be tricies. This, however, is quite unnecessary. Mommsen has shown in *Hermes*, xxii p. 601, that numerals enclosed by two vertical and one horizontal line are multiplied by 100,000, and those by a single horizontal line, by 1000. The sum therefore was 3,329,000 HS. This would be between £26,000 and £27,000, not an extravagantly large sum in comparison with the ten million sesterces spent by the people of Nicaea on an unfinished theatre (*Ep.* 39). The building of an aqueduct would specially appeal to Trajan, who had done so much himself towards improving the water supply of Rome. The cities of Bithynia seem to have been public-spirited enough in undertakings of this sort, though lamentably deficient in a business-like and scientific execution of them. For similar enterprise and liberality on the part of provincials in Trajan's reign, cf. the bridge of Alcantara, built by the contributions of eleven municipal towns in Lusitania C. I. L. ii, p. 89.

et destructus etiam est. This is the reading of the Bodleian MS., where the whole clause runs 'qui imperfectus emissum et destructus etiam est.' Aldus reads 'qui imperfectus relictus ac etiam destructus est,' where relictus may stand as a correction for the corrupt 'emissum,' but 'ac etiam' is an extremely unusual phrase, and indeed in Suet. *Ner.* 26, and *Aug.* 19, it is doubtful whether 'atque etiam' is not right.

CC, *i.e.* 200 sestertia, as erogata proves, 200,000 sesterces. This was of course only a preliminary grant.

ut aquam habeant. Cf. *Ep.* 90, 'Sinopenses aqua deficiuntur.'

tantam pecuniam male perdiderunt. Ipse perveni ad fontem 2
purissimum, ex quo videtur aqua debere perduci, sicut initio temptatum erat, arcuato opere, ne tantum ad plana civitatis et humilia perveniat. Manent adhuc paucissimi arcus: possunt et erigi quidam lapide quadrato, qui ex superiore opere detractus est: aliqua pars, ut mihi videtur, testaceo opere peragenda erit; id enim et facilius et vilius. Sed in primis necessarium est 3
mitti a te vel aquilegem vel architectum, ne rursus eveniat quod accidit. Ego illud unum adfirmo, et utilitatem operis et pulchritudinem saeculo tuo esse dignissimam.

6 peragenda, *B.* agenda, *Ald.*

7 Sed, *G. H. Schaeffer.* Et, *Ald.*

§ 2. **ad fontem purissimum.** The water was collected in a sheltered spot round the spring, and fountain-houses were erected.

arcuato opere. Aqueducts were either subterranean, in which the water was conducted in pipes (fistulae) of lead or clay, and communicating with the fresh air at intervals by shafts, or they were raised on arches, built either of stone or brick. In this case the water-channels were often of stone lined with the peculiarly hard and water-tight cement called 'opus signinum.' Among the best preserved of these raised aqueducts are those near Nemausus in Gaul and Segovia and Terragona in Spain. The Anio Nova at Rome extended altogether, partly above, partly under, ground for 62 miles. The height of the arches depended on the nature of the ground. In some cases, as *e.g.* in crossing a deep valley, they rose to a height of 150 feet.

ne tantum ad plana civitatis et humilia perveniat. This would seem to imply that Pliny was not so well up in hydraulics as his uncle, who knew that water in a closed pipe finds its own level, h. n. xxxi 6, 'subit altitudinem exortus sui.' Prof. Middleton shows (*Ancient Rome*, p. 452) that the real reason why aqueducts were raised on a long line of arches was because it was the more economical way to bring water from a distance, while the facilities for cleaning the pipes were much greater.

lapide quadrato. This is not to be confused with the architectural term 'opus quadratum,' which signified solid masonry of rectangular blocks of stone like the walls of Roma Quadrata or the Servian wall. This kind of masonry was seldom used under the empire except in connection with temple building. Here the words which follow 'qui ex superiore opere detractus est' show that the square blocks of stone were a mere facing to the concrete ground-work of the arch.

testaceo opere, brick-work. This, however, was only used as a facing to a concrete core. Buildings of solid brickwork are never found among Roman remains. The bricks were usually, except at the angles of walls, triangular in shape, and rarely penetrated into the concrete more than five inches (Middleton, p. 32). In a narrower sense, opus testaceum was another name for the opus signinum or water-tight cement mentioned above.

peragenda erit. The Bodleian MS. has 'peragenda' in the margin, and it seems to be a more satisfactory reading than the 'agenda' of Aldus and later editions.

§ 3. **aquilegem.** Cf. Plin. h. n. 26, 16, 6, 'Silvestris ubi nascitur subesse aquas credunt, et hoc habent signum aquileges.' The aquileges seem to be the same as the circitores of Frontinus, *de Aquaed.* 117, 'inspectors of the water-works.' The architecti were engineers. Other officials mentioned by Frontinus are the libratores, who measured the levels; the aquarii, who laid the pipes; the castellarii, who kept in order the reservoirs, etc.

saeculo tuo esse dignissimam. Cf. *Ep.* 41 *ad fin.*

XXXVIII [XLVII]

TRAIANUS PLINIO S.

1 Curandum est ut aqua in Nicomedensem civitatem perducatur. Vere credo te ea qua debebis diligentia hoc opus adgressurum. Sed medius fidius ad eandem diligentiam tuam pertinet inquirere quorum vitio ad hoc tempus tantam pecuniam Nicomedenses perdiderint, ne, dum inter se gratificantur, et inchoaverint aquae ductus et reliquerint. Quid itaque conpereris perfer in notitiam meam.

5 dum, *Gronovius.*
cum, *Ald.*

6 inchoaverint, quid itaque compereris per aquaeductus et reliquerint fer, *B. and Ald.*
The reading in the text is that of Catanaeus.

Nicomedeia must certainly be supplied with water; you will, I know, set about the work with becoming dilgence. But you must also inquire whose fault it is that so much money has been wasted. They must not be allowed to play into one another's hands and to commence an aqueduct and abandon it at pleasure. I shall desire to know what you discover.

curandum est ut aqua in N. civitatem perducatur. Cf. *Ep.* 91, 'neque enim dubitandum puto quin aqua perducenda sit in coloniam Sinopensem.'

medius fidius. Cf. Plin. *Ep.* iv 3, 5, 'non, medius fidius, ipsas Athenas tam Atticas dixerim.' Ovid. *Fast.* vi 213, 'Quaeretam Nonas Sanco Fidione referrem.' Varr. *ap. Non.* 494, 30, 'qui per deum Fidium iurare vult prodire solet in compluvium,' cited in Lewis and Short.

dum inter se gratificantur, by their mutual complaisance or collusion. Trajan evidently suspects that some sort of job had been practised between the magistrates and the redemptores who had the contract to build the aqueduct. For this casual use of dum cf. Tac. *Ann.* xiv 31, 'Nec arduum videbatur exscindere coloniam nullis munimentis saeptam; quod ducibus nostris parum provisum erat, dum amoenitati prius quam usui consulitur,' also Sall. *Iugur.* 4; Tac. *Ann.* ii 88, see above. On this sense of 'gratificor' cf. Tac. *Ann.* iv 19, 'odiis Seiani per dedecus suum gratificabatur' and Sall. *Iugur.* 3, 4, 'potentiae paucorum decus atque libertatem suam gratificari.'

ne . . . inchoaverint; ne with perf. subj. because referring to a time already expired.

quid itaque. Itaque never takes the second place in a sentence earlier than the Augustan writers. Cf. Liv. xxxiv 34; Hor. *Ep.* i 1, 10.

XXXVIIII [XLVIII]

De theatro Nicensium

C. PLINIUS TRAIANO IMPERATORI

1 Theatrum, domine, Nicaeae maxima iam parte constructum, imperfectum tamen, sestertium, ut audio (neque enim ratio

§ 1. A theatre, sire, at Nicaea which is nearly but not quite completed has cost, I believe the accounts will show when audited, ten million sesterces, and, I fear, in vain. § 2. For immense cracks have shown themselves, due either to the soft

operis excussa est), amplius centies hausit: vereor ne frustra. Ingentibus enim rimis desedit et hiat, sive in causa solum 2
umidum et molle, sive lapis ipse gracilis et putris: dignum est certe deliberatione sitne faciendum an sit relinquendum an etiam destruendum. Nam fulturae ac substructiones quibus subinde suscipitur non tam firmae mihi quam sumptuosae videntur. Huic theatro ex privatorum pollicitationibus multa de- 3

1 operis, *C. F. W. Müller.*
plus, *B. and Ald.*
penitus, *G. F. Schaeffer.*
2 desedit, *B.*
descendit, *Ald.*
discedit, *Gruter.*
4 an sit, *Cellarius.*
aut sit, *Ald.*

nature of the ground, or the crumbling character of the stone. The question arises whether it should be completed or abandoned, or pulled down. For the buttresses and substructions appear to me to be expensive but worthless. § 3. Many additions to the theatre, such as basilicae and a colonnade, have been promised by private citizens, but at present everything is at a standstill. § 4. A gymnasium, too, which was burnt down just before my arrival, is being rebuilt on a larger scale, and money has been voted towards the work. But the plan is so confused that this seems not unlikely to be wasted. A rival architect, too, declares that the walls, though twenty-two feet thick, are too weak to support the structure, being constructed of concrete without any facing of brickwork. § 5. Further, the people of Claudiopolis are building or rather excavating a bath-house in a depression at the foot of a mountain. This is being paid for by the entrance fees of those senators who were created by your favour. § 6. To prevent, therefore, in the one case a waste of public money, and in the other a misuse of your liberality, I must beg you to send an architect to decide whether these works should be completed according to their present plan, or improved, or transferred to a fresh site, lest by our desire to use what has been already spent, we should be throwing good money after bad.

§ 1. **sestertium . . . amplius centies**, more than ten million sesterces.

ratio operis excussa est. I have adopted C. F. W. Müller's conjecture for the Aldine reading 'plus,' which is unintelligible. Schaeffer reads 'penitus'; Orelli, 'prius,' or 'prorsus. On 'excussa' cf. *Ep.* 17, etc.

§ 2. **rimis desedit et hiat.** Cf. Juv. iii 195, 'veteris rimae cum texit hiatum'; desedit is sinking. We should have expected rimis to go with hiat rather than with desedit, and for this reason Gruter conjectures discedit. I should prefer to alter the order rather than the words. Aldus reads descendit. I have restored desedit from the Bodleian MS.

solum umidum et molle. Cf. *Ep.* 91, 'locus suspectus et mollis.'

lapis gracilis et putris, inferior and crumbling stone. Cf. Plin. *Ep.* ix 20, 2, 'vindemiae graciles.'

sitne faciendum. Cf. 8 *infra*, 'quoquo modo consummare opera.'

an sit relinquendum. The Aldine reading is 'aut.' A similar doubt exists about *Panegyr.* 84, 'utrum sit efficacius ad recte vivendum bene institui an feliciter nasci,' where only one MS. (the *Vat.*) has 'an.' Probably, however, in these and the other passages cited by Döring (Cic. *in Pis.* 10; *Phil.* ii 38; *pro Rosc. Am.* 41) textual criticism would establish the reading 'an.'

etiam destruendum. Cf. *Ep.* 37, 'destructus etiam.'

fulturae ac substructiones. Cf. Colum. 1, 5, 9, 'fundamenta pro fultura et substructione fungentur.' A good idea of the vast substructions of some of the Roman buildings may be gained from those of the palace of Severus on the S.E. of the Palatine.

subinde (cf. French souvent), now and again; Plin. *Ep.* ii 7, 6, 'erit pergratum mihi hanc effigiem eius subinde intueri, subinde respicere.'

§ 3. **ex privatorum pollicitationibus.** The mere pollicitatio in such cases was not obligatory, unless it was made with a view to gaining some public office, and even then not before Trajan made it so; *Digest* 50, 12, 14, 'si quis sui alieni ve honoris causa opus facturum se in aliqua civitate promiserit, ad perficiendum tam

bentur, ut basilicae circa, ut porticus supra caveam. Quae nunc omnia differuntur cessante eo quod ante peragendum est.
4 Iidem Nicaeenses gymnasium incendio amissum ante adventum

ipse quam heres eius ex constitutione divi Traiani obligatus est.'

basilicae circa. Basilicae, the name of which was derived from the στοὰ βασιλική at Athens, were quadrangular buildings flanked by colonnades, with two, three, or five aisles. They were used for commercial purposes, or more commonly for judicial courts, Plin. *Ep.* vi 23, as *e.g.* the Basilica Iulia for that of the centumviri. There were no basilicae in Rome before 214 B.C., Livy, xxvi 27. In 184 B.C. the Basilica Portia was built, which was followed by many others; cf. Suet. *Aug.* 29, etc. Sometimes, however, the name was applied to buildings constructed on this plan, which had no business object at all, but were attached to a theatre, or library, or gymnasium. These were more strictly called 'porticus,' a name properly applied to the covered colonnade flanking the nave of the basilica, but they are sometimes called basilicae or regiae. Thus the 'porticus Pompeii' at the back of the scena of the theatre of Pompeius is also called by Suetonius a 'regia'; Suet. *Aug.* 31, 'Pompeii quoque statuam, contra theatri eius regiam marmoreo Iano supposuit'; cf. Wilmann, 718, 'Cn. Satrius Cn. fil. Rufus III vir iur. dic. basilicas sublaqueavit trabes tecti ferro suffixit, lapide stravit,' etc.; 729, 'C. Aenilius . . . ob honorem flaminatus tabernas L cum porticibus duplicibus . . . pecunia sua fecit'; also, 707 and 710. There was to be a colonnade on each side of the theatre at Nicaea. Their object was protection against the rain, Plin. *Ep.* ii 17, 4, 'porticus in D litterae similitudinem circumactae . . . Egregium hae adversus tempestates receptaculum,' and Vitruv. 9; cf. also Plin. *Ep.* ix 39, with reference to a temple of Ceres, 'Nam Idibus Septembribus magnus e regione tota coit populus . . . sed nullum in proximo suffugium aut imbris aut solis. Videor ergo munifice simul religioseque facturus, si aedem quam pulcherrimam extruxero, addidero porticus aedi, illam ad usum deae, has ad hominum'; also *Ep.* v 2; also Orell. 3696, 'respublica populusque Corfiniensis sacellum Lyceium vetustate delapsum adiectis basiliciis sua pecunia restituit.'

porticus supra caveam. Porticus here is used in a narrower sense than in the passages quoted above. The cavea was the interior of the semicircular part of the theatre, the rows of seats (cunei) rising out behind one another from the orchestra at the bottom to the external wall of the theatre at the top. The exterior wall was divided into stories by arcades of pillars or pilasters, like the Colosseum or the theatre of Marcellus at Rome. Between these exterior arcades and the seats of the cavea were corridors with staircases leading to the several praecinctiones. At the top there was often a double row of columns extending all round the cavea, and forming a kind of ambulatory, round which the audience could walk. This is the porticus alluded to in this passage, more nearly resembling the porticus often attached to a private house than the more extensive colonnades like the porticus Pompeii, or Octaviae, or Caii et Lucii, Suet. *Aug.* 29; cf. Juv. vii 178, 'Balnea sexcentis et pluris porticus, in qua Gestetur dominus, quotiens pluit'; Plin. *Ep.* v 6, 16.

§ 4. **gymnasium.** The locus classicus for the arrangement of the gymnasia is Vitruv. v 11. There was an open court (περιστύλιον) surrounded by colonnades, adjoining which were halls (exedrae) for the philosophers and rhetoricians. Beyond the southern colonnade, which was double, was the ephebeum, or practising ground for the young men. To the right of this were the coryceum or σφαιριστήριον—the conisterium where the athletes were sprinkled with sand, and the frigidarium; on the left were the elaeothesium where the oil for rubbing was kept, the tepidarium, and the πυριατήριον or sweating bath. These gymnasia were as a rule confined to Greek cities; cf. *Ep.* 40, 'Gymnasiis indulgent Graeculi'; and Professor Mayor's note on Juv. iii 68. We find them at Smyrna, Ephesus, Tralles, Clazomenae, Sinope, Miletus, Heraclea, as well as in the cities of Hellas proper. Cicero (*Verr.* ii 4, 53) mentions a gymnasium amplissimum at Syracuse; Nero went to the gymnasium at Naples on the day of his mother's murder, Suet. *Ner.* 40. This emperor too did much to encourage gymnastic exercises in Rome, and he built a gymnasium there; Suet. *Ner.* 12, 'instituit et quinquennale certamen

meum restituere coeperunt, longe numerosius laxiusque quam fuerat, et iam aliquantum erogaverunt, periculum est ne parum utiliter; inconpositum enim et sparsum est. Praeterea architectus, sane aemulus eius a quo opus inchoatum est, adfirmat parietes quamquam viginti et duos pedes latos inposita onera sustinere non posse, quia sint caemento medii farti nec testaceo opere praecincti. Claudiopolitani quoque in depresso loco, inminente etiam monte, ingens balineum defodiunt magis quam aedificant, et quidem ex ea pecunia quam buleutae additi beneficio tuo aut iam obtulerunt ob introitum aut nobis

6 sint caemento, *B. and Ald.* sine caemento, *ed. Basiliensis.*

9 addit, *B.* addunt, *Ald.*

primus omnium Romae, more Graeco triplex, musicum, gymnicum equestre . . . dedicatisque thermis atque gymnasio senatui quoque et equiti oleum praebuit'; and Tac. *Ann.* xiv 47, and xv 22; cf. Orell. 2548, Henz. 6599.

numerosius laxiusque, more roomy and spacious. Cf. Pliny *Ep.* iv 15, 4, 'ut scias quam copiosam, quam numerosam domum . . . sis obligaturus'; Vell. Paterc. ii 18, 'quo laxior fieret ipsius (domus).'

inconpositum, badly planned.

sane aemulus, who is, it is true, a rival. This restrictive or concessive force of 'sane' is very common in Tacitus.

viginti et duos pedes latos, an enormous and probably unprecedented thickness. Even the walls of the great rotunda of the Pantheon, which have to support the massive dome, are barely twenty feet wide; Middleton's *Ancient Rome*, p. 340.

quia sint caemento medii farti. This was the universal method of constructing walls under the empire, and the remains of the basilica of Constantine, and baths of Caracalla at Rome prove how immensely strong such walls were. The concrete in fact becomes one solid mass with at least as much grip and force as solid stone. The walls at Richborough show on a small scale what sort of walls the Romans could make in this way. If these walls of the gymnasium were not safe, it was not because they were made of concrete, but more likely because the concrete was bad.

nec testaceo opere praecincti, not faced with brickwork. This again was no sufficient reason. Professor Middleton shows that the walls were often made of concrete alone and unfaced, and that the brick facing had little or no structural importance, *Ancient Rome*, p. 32. The bricks in fact only entered the concrete to the depth of a few inches.

§ 5. **balineum**; see on *Ep.* 23.

Claudiopolitani, Claudiopolis, situated in the interior of Bithynia north of the Olympus range, and in the territory of the Mariandyni, Pliny, h. n. v 43. Previous to the reign of Claudius it bore the name of Bithynium, and it was probably only under that emperor that a Greek town-constitution was introduced. Mommsen, *Rom. Gesch.* v, p. 304. As the birthplace of Antinous, it was greatly favoured by Hadrian, and received the cognomen of Hadriana.

ex ea pecunia quam buleutae additi beneficio tuo, etc. By the Lex Pompeia, according to which Bithynia was administered, those who entered the ordo decurionum or βουλή in the ordinary way by the election of the censors had to pay no entrance fee, but those who were appointed by the emperor in excess of the normal number had to pay either one or two thousand denarii, probably according as they were 'adlecti in ordinem decurionum' simply, or 'adlecti inter duovirales,' or 'quinquennalicios.' See *infra*, *Ep.* 112; cf. Orell. 2533, 3882, 3816, etc.; and see note on *Ep.* 4. The Bodleian MS. reads 'addit,' clearly a mistake for 'additi.' Aldus or his printer mistaking buleutae for the subject of 'addit,' altered it to 'addunt.' Additi was first conjectured by Casaubon.

nobis exigentibus. Cf. *Ep.* 23, 'ex ea pecunia quam revocare a privatis et exigere iam coepi.'

6 exigentibus conferunt. Ergo cum timeam ne illic publica pecunia, hic, quod est omni pecunia pretiosius, munus tuum male conlocetur, cogor petere a te non solum ob theatrum verum etiam ob haec balinea mittas architectum dispecturum utrum sit utilius post sumptum qui factus est quoquo modo consummare opera, ut inchoata sunt, an quae videntur emendanda corrigere, quae transferenda transferre, ne, dum servare volumus quod inpensum est, male inpendamus quod addendum est.

§ 6. **munus tuum**, because the money came to the town in consequence of the emperor's appointment of decuriones.

haec balinea; on the plur. cf. *Ep.* ii 8, 2, 'quae sic concupisco, ut aegri vinum balinea fontes'; *Ep.* vii 28, 2; Orell. 3324, 'balnea virilia'; Juv. i 143, 'Turgidus et crudum pavonem in balnea portas.'

architectum, either an architect or an engineer.

dispecturum. Cf. *supra*, *Ep.* 33, 'dispice an instituendum putes coll. fabr.'

quoquo modo consummare opera, to complete the works as well as may be.

ut inchoata sunt, on their present plan.

quae videntur emendanda corrigere, to rectify the points which may seem capable of being set right.

quae transferenda transferre, to remove to a new site whatever needs removal.

servare, to save, *i.e.* to avoid wasting.

quod addendum est, the additional outlay required; cf. Ovid *A. A.* i 1, 451, 'Sic ne perdiderit non cessat perdere lusor.'

XL [XLVIIII]

TRAIANUS PLINIO S.

1 Quid oporteat fieri circa theatrum quod inchoatum apud Nicaeenses est in re praesenti optime deliberabis et constitues. Mihi sufficiet indicari cui sententiae accesseris. Tunc

§ 1. You can best decide for yourself what should be done about the theatre at Nicaea. Only let me know your decision. When the theatre is completed, it will be your duty to see that the promises of private individuals are fulfilled. § 2. The Greeks have a weakness for gymnasia; hence probably the eagerness of the Nicaeans to construct one. They must, however, be contented with what is sufficient for their requirements. § 3. You must decide what advice to give to the citizens of Claudiopolis in reference to the ill-chosen site for their bath. It is impossible that you can be without an architect. Every province has skilled men of this sort, and it is a mistake to think that your quickest course is to get one from Rome, since we get ours usually from Greece.

§ 1. **circa theatrum**. On 'circa,' in the sense of concerning, see Professor Mayor's note on *Ep.* iii 9, 13, who compares iv 24, 4; vi 21, 6; *Panegyr.* 20, and 95. It is also found, he says, in Quintilian, Tacitus, Suetonius, and the elder Pliny.

in re praesenti, on the spot, cf. *Ep.* 8, 3.

cui sententiae accesseris. Accesseris more usually goes with ad and the accusative, except in relation to persons, when it always takes the dative; cf. Cic. *Verr.* ii 3, 28, 69, 'ad eius conditiones pactionesque accedere,' etc. **Cui** not **utri**, because there were three alternatives; see above.

a privatis exigi opera; cf. the constitution in the *Digest* quoted above on *Ep.* 38, § 3.

autem a privatis exigi opera tibi curae sit, cum theatrum,
propter quod illa promissa sunt, factum erit. Gymnasiis in- 2
dulgent Graeculi; ideo forsitan Nicaeenses maiore animo con-
structionem eius adgressi sunt: sed oportet illos eo contentos
esse quod possit illis sufficere. Quid Claudiopolitanis circa 3
balineum, quod parum, ut scribis, idoneo loco inchoaverunt,
suadendum sit tu constitues. Architecti tibi deesse non pos-
sunt. Nulla provincia est quae non peritos et ingeniosos ho-
mines habeat; modo ne existimes brevius esse ab urbe mitti,
cum ex Graecia etiam ad nos venire soliti sint.

5 illis, *Cat.*
illi, *B. and Ald.*

10 sint, *B.*
sunt, *Ald.*

§ 2. **gymnasiis indulgent Graeculi**; Cf. the passage in Juv. iii 67-78, especially 'Rusticus ille tuus sumit trechedipna, Quirine, Et ceromatico fert niceteria collo,' etc., and the contemptuous use of Graeculus, 'omnia novit Graeculus esuriens'; cf. also Cic. *Tusc. Disp.* i 35, 86, 'ineptum sane negotium et Graeculum.'

maiore animo, with somewhat too great eagerness.

quod possit illis sufficere: with reference to Pliny's statement that they were constructing one 'longe numerosius laxiusque.' The Aldine edition reads 'illi,' which can hardly be right. 'Illis' is the conjecture of Catanaeus, while Mommsen suggests tibi, which, however, would seem to require not 'possit sufficere,' but 'videtur sufficere.'

§ 3. **suadendum sit**; a milder word than 'tu constitues quid oporteat fieri,' and 'oportet eos contentos esse' above, because there seems to have been no jobbery or structural fault about the bath, though the site was ill-chosen.

architecti tibi deesse non possunt: nulla provincia est, etc. Cf. *Ep.* 18, 'in omni provincia inveniuntur quis credi possit, et ideo non deerunt tibi,' etc.

ex Graecia. The various branches of science and scientific workmanship were nearly all in the hands of Greeks. Not only musicians, teachers of grammar and rhetoric, but physicians, sculptors, and to a large extent painters, belonged to this nationality. With regard to architects, Friedländer, vol. iii. p. 265, points out that Roman architects were comparatively numerous. In particular under Nero, Severus and Celer enjoyed a great reputation, while Domitian's palace was built by Rabirius, Mart. vii 56. Pliny too entrusted the building of a temple of Ceres near one of his estates to an architect named Mustius, *Ep.* ix 39. Trajan's great architect, Apollodorus of Damascus, is a striking exception. No doubt, however, the subordinate architects concerned with the details of the works were to a very large extent Greeks, in so far as they were not attached to the army, as no doubt many of these 'periti et ingeniosi homines' were. We have mentioned, C. I. L. vi, 1886, a 'praefectus architectus cui maxima erat cura publicarum fabricarum.' Out of forty-two architects mentioned in inscrr. thirteen are military officials, and of the rest thirteen are Roman citizens, thirteen freedmen, and three slaves. See Friedländer, iii p. 168.

XLI [L]

De lacu Nicomedensium

C. PLINIUS TRAIANO IMPERATORI

Intuenti mihi et fortunae tuae et animi magnitudinem con- 1
venientissimum videtur demonstrari opera non minus aeterni-

tate tua quam gloria digna quantumque pulchritudinis tantum
2 utilitatis habitura. Est in Nicomedensium finibus amplissimus lacus: per hunc marmora fructus ligna materiae et sumptu modico et labore usque ad viam navibus, inde magno labore, maiore inpendio vehiculis ad mare devehuntur. Hoc opus multas manus poscit: at eae porro non desunt. Nam et in agris magna copia est hominum et maxima in civitate, certaque spes omnes libentissime adgressuros opus omnibus fruc-

4 immodico, *B. and Ald.*

§ 1. Considering the loftiness of your position and your character, it seems most fitting that some works should be suggested to you worthy of your immortal name and glory, and combining beauty and utility. § 2. There is an extensive lake not far from Nicomedeia, by which merchandise of all sorts is with small expense and labour conveyed by boat to the high road, from which point it has to be carried to the sea in waggons, an expensive and laborious means of transit. The work of connecting this lake with the sea needs many hands, but there are plenty of men in the country, and still more in the city, and the advantages of the scheme are so obvious that all will help. § 3. It only remains for you to send a ground-leveller, or an architect, to see whether the experts of the locality are correct in supposing that the lake is forty cubits above the level of the sea. § 4. I find that a canal was cut by one of the native kings, but whether for purposes of drainage or to connect the lake with the river, I cannot say. It was never finished, as the king was either cut off by death or despaired of the success of the work. § 5. But this makes me all the more anxious that you should accomplish what kings only began.

§ 1. **demonstrari**, 'should be brought before your notice.' Even apart from Pliny's special mission to Bithynia, the emperor would have to be consulted about any work carried out with public money. In *Dig.* 50, 10, 3, 'Publico vero sumptu opus novum sine principis auctoritate fieri non licere constitutionibus declaratur.'

aeternitate tua. Cf. *Ep.* 59, 'per salutem tuam aeternitatemque petit,' and 83, 'rogatus per aeternitatem tuam salutemque.' The phrase became a regular title of respect like our 'your majesty'; cf. *Codex Iustin.* xi 9, 2, 'ut inter protectores eiusdem fabricae per biennium adoraturus aeternitatem nostram suo quisque tempore dirigatur.' In Trajan's time, however, this ceremonial usage of the word was hardly developed. It probably has a reference implied to the customary deification of the emperors after death.

§ 2. **amplissimus lacus.** This lake, formerly Lake Sophon, now Sabanjah, is situated about ten miles east of Nicomedeia, and is about eight miles long by three wide. Its western extremity is within a few miles of the river Sangarius, which flows into the Euxine. To the south of it are the outlying spurs of the Olympus range, rich in wood and marble-quarries, while the valley of the Sangarius is fertile in corn and fruit. Xen. *Anab.* vi 4, 4, 6.

ligna materiae, the former wood for fuel or miscellaneous purposes, the latter for architectural uses or shipbuilding.

usque ad viam. This would be the main road running from Nicomedeia eastward to Satala, a town on the upper Euphrates in Armenia Minor. From Nicomedeia it would pass Dusae, Claudiopolis, Crateia, Antinoupolis, Gangra, Amasea, and Neo-Caesarea.

ad mare, the Propontis, on a creek or arm of which Nicomedeia was built.

Hoc opus, etc. Probably something has dropped out here, as, though we can see easily enough what work Pliny means, that seems no reason why he should have failed to specify it. Ernesti suggests the insertion of 'Itaque mari committere cupiunt.'

at eae porro, but these again. There seems no sufficient reason for altering 'porro' into 'pro re,' with Gronovius. Cf. Cic. *de Sen.* 13, 43, 'saepe audivi a maioribus natu, qui se porro pueros a senibus audisse dicebant.'

in civitate. The civitas was the city regarded as a political body, as opposed to urbs or oppidum, the mere complexus of buildings, with no political implication.

tuosum. Superest ut tu libratorem vel architectum, si tibi 3
videbitur, mittas qui diligenter exploret sitne lacus altior mari,
quem artifices regionis huius quadraginta cubitis altiorem esse
contendunt. Ego per eadem loca invenio fossam a rege per- 4
cussam: sed incertum utrum ad colligendum umorem circum-
iacentium agrorum an ad committendum flumini lacum. Est
enim inperfecta; hoc quoque dubium, intercepto rege mortali-
tate an desperato operis effectu. Sed hoc ipso (feres enim me 5
ambitiosum pro tua gloria) incitor et accendor ut cupiam peragi
a te quae tantum coeperant reges.

8 operis efectu, *B. and Ald.* operi affectu, *Avant.*

So Cic. *Rep.* 6, 13, 13, 'concilia coetusque hominum iure sociati, quae civitates appellantur,' and 1, 26, 41, 'omnis civitas quae est constitutio populi.' Cf. Wilmann, and Orell. *passim* and *supra*, *Ep.* 38, 'in Nicomedensem civitatem.'

§ 3. **libratorem**, properly a civil engineer who measured levels by means of the libra or water-poise; cf. Colum. 8, 17, 4, 'sin autem locus pari libra cum aequore maris est,' and Vitruv. 8, 6, 1, 'libratur autem dioptris aut libris aquariis aut chorobate.' Cf. also Front. *Aquaed.* 105. Cf. also Wilm. 785 in connection with the aqueduct at Saldae, 'rogamus te, domine, uti Nonium Datum veteranum legionis III Augustae libratorem horteris veniat Saldas, ut quod relicum est ex opere eius perficiat,' and 1553. In Tac. *Ann.* ii 20, the reading should probably be 'funditores libritoresque,' not 'libratores.'

architectum. See on *Ep.* 39, § 6.

artifices, a general term for 'masters of any art or science.' Thus used of physicians, Liv. 5, 3; machine-makers, Liv. 29, 35; musicians, Cic. *pro Mur.* 13, 29; architects, Liv. 42, 3, 'reponendarum tegularum nemo artifex inire rationem potuit.' Cf. *supra*, *Ep.* 40, 'nulla provincia est quae non peritos et ingeniosos homines habeat.'

quadraginta cubitis. The cubitus contains 6 palmi or 24 digiti, and was equivalent to 444 millimetres.

§ 4. **a rege**, by one of the Bithynian kings.

percussam. The verb is used in a similar connection by Frontinus, *Strategam.* 3, 17.

ad colligendum umorem, etc. This had been the original object of the Cloaca Maxima at Rome.

ad committendum flumini lacum. Lake Sabanjah is described by travellers as a fine piece of water, among the reeds of which are snipe, duck, and even woodcock. At present it is connected with the Sangarius on the east, and also with the Gulf of Ismid on the west. This, however, could not have been so in Pliny's time, as both he and Trajan are rather anxious about the effects of connecting it with the sea on that side. The river mentioned here as the possible object of the ancient dyke, and again in *Ep.* 61, 'ne commissus flumini atque ita mari,' would seem to be a river rising in what are now called the Gûk hills and flowing in a north-easterly direction to the Gulf of Ismid. A canal from the lake might strike this about half-way to Nicomedeia. Whether the present river connecting the lake with Nicomedeia is Pliny's canal carried out I have not been able to discover.

intercepto rege mortalitate. For the omission of utrum, cf. *Ep.* 30. On the use of 'mortalitas' for death, cf. Tac. *Ann.* vi 50, 'mortalitatem explevisse,' and *Dig.* 23, 4, 2, 'non esse servandum pactum contra dotem cum mariti mortalitas intervenit.'

operis effectu, the accomplishment of the work. Cf. Liv. xxi 7.

XLII [LI]

TRAIANUS PLINIO S.

Potest nos sollicitare lacus iste, ut committere illum mari velimus: sed plane explorandum est diligenter ne, si demissus in mare fuerit, totus effluat, certe quantum aquarum et unde accipiat. Poteris a Calpurnio Macro petere libratorem, et ego hinc aliquem tibi peritum eiusmodi operum mittam.

2 demissus, *Cat.*, immissus, *B. and Ald.* dimissus, *Avant.*

There is no doubt a temptation to join the lake you speak of to the sea. You must, however, first carefully find out how much water it contains, and whence it derives its supply, lest by letting it run into the sea, it should be completely drained. You will be able to get a librator from Calpurnius Macer, and I will send you some one skilled in such matters from here.

potest sollicitare, may possibly tempt us: this use of the verb followed by 'ut' is by no means confined to post-classical Latin, as Döring asserts. Lewis and Short quote Cicero, *ad Fam.* 15, 2, 6, 'se sollicitatum esse ut regere vellet'; and Caesar *Bell. Gall.* iii 8, 'civitates sollicitant ut in libertate permanere vellent.' Cf. also Ovid. *Am.* iii. 9, 34; 'Sollicitor nullos esse putare deos.'

demissus in mare. This seems the best reading, being Catanaeus' emendation of 'dimissus,' the reading of the prima editio,

a Calpurnio Macro. The mention of Calpurnius Macer here and in *Ep.* 61 and 77 is the strongest argument for assigning Pliny's mission to Bithynia to the years 111-113 A.D. Calpurnius Macer is evidently from all these passages the governor of some neighbouring province, probably with a military command, since he has libratores at his disposal; and is ordered by Trajan to send a centurion to Byzantium. The nearest military province to Byzantium was Lower Moesia, and an inscription from this province (C.I.L. iii 777) establishes the fact that in 112 A.D. Calpurnius Macer was legate of the province. His full name, therefore, was P. Calpurnius Macer Caulius Rufus. Pliny addresses *Ep.* v 18 to him.

et ego . . . mittam. The affair being one of importance, Trajan thinks it better not to leave it to the local 'artifices.'

XLIII [LII]

De Byzantiorum inpendiis

C. PLINIUS TRAIANO IMPERATORI

1 Requirenti mihi Byzantiorum rei publicae inpendia, quae maxima facit, indicatum est, domine, legatum ad te salutan-

§ 1. As I was looking into the expenses of the Byzantines, which are very heavy, it was pointed out to me that a legate is sent every year to salute you with an honorary decree, and that an allowance is made him of 12,000 sesterces. § 2. Remembering your instructions I considered it right to send the decree without the legate, in order to diminish the expense without omitting the compliment. § 3. There is also an annual entry of 3000 sesterces for the travelling expenses of a legate who is sent to salute the governor of Moesia. This, too, I have thought it right to cut down for the future. § 4. I must beg you either to confirm my decision by your rescript or to correct my mistake.

Byzantiorum reipublicae. Byzan-

dum annis omnibus cum psephismate mitti eique dari nummorum duodena milia. Memor ergo propositi tui legatum quidem 2

1 salutandi, *Avant.*

tium first came into contact with Rome in the Macedonian wars, when it became, but only temporarily, and because there was at that time no province in its neighbourhood, a 'civitas foederata,' Tac. *Ann.* xii 62, 'Byzantii . . . orsi a foedere quod nobiscum icerant, qua tempestate bellavimus adversus regem Macedonum, cui ut degeneri Pseudophilippi vocabulum impositum.' Later they helped Rome against Antiochus and Perseus, and furnished assistance to the elder Antonius against the pirates, to Sulla, Lucullus, and Pompeius. After Macedonia was organised as a province, Byzantium seems to have been subject to its proconsul, not, however, any longer as a 'civitas foederata.' It was now a 'civitas libera,' *i.e.* its freedom did not depend on a definite foedus, and might be revoked and restored at pleasure (Marquadt, *Staatsverw.* i p. 77) Cic. *in Pis.* iii 6, with reference to Byzantium, 'omitto iurisdictionem in libera civitate contra leges senatusque consulta,' and again, 'ipsam vero urbem Byzantiorum fuisse refertissimam atque ornatissimam signis, quis ignorat? quae illi exhausti sumptibus bellisque maximis, quum Mithridaticos impetus totumque Pontum armatum . . . aegre repulsum et cervicibus interclusum suis sustinerent; . . . te imperatore infelicissimo et taeterrimo, civitas libera et proximis suis beneficiis a senatu et a populo Romano liberata, sic spoliata et nudata est ut,' etc. At what date Byzantium was assigned to Bithynia is uncertain. Probably when Macedonia, under Augustus, ceased to be a frontier province, the military protection over Byzantium passed to Moesia, while as far as administration was concerned it formed part of Bithynia. In 53 A.D. the Byzantines were a tributary city, and were certainly in a senatorial province, and therefore not in Thrace; Tac. *Ann.* xii 62, 'Byzantii . . . cum magnitudinem onerum apud senatum deprecarentur, cuncta repetivere. . . . Ita tributa in quinquennium remissa?" Pliny, h.n. iv 11, speaks of Byzantium as 'oppidum liberae conditionis,' but we know from Suetonius, *Vespas.* 8, that its 'libertas' was taken away by Vespasian. It had, however, regained this before the time of Severus, who again took it away as well as its separate town-existence, for its adhesion to Pescennius Niger; Dio Cass. 74, 14, '*ἔπαυσε δὲ τὴν πόλιν τῆς τε ἐλευθερίας καὶ τοῦ ἀξιώματος τοῦ πολιτικοῦ.*' Another example of the vicissitudes of a free town is Cyzicus, which became 'libera' after the Mithridatic wars; lost its freedom 20 B.C., Dio Cass. 54, 7; gained it again 15 B.C., Dio Cass. 54, 23; and again lost it under Tiberius, Tac. *Ann.* iv 36; Suet. *Tib.* 57.

rei publicae inpendia. Cf. *Ep.* 17, 3. 'Reipublicae Prusensium inpendia excutio,' and note *ad loc.*

cum psephismate. The assembly at Byzantium was called *ἡ ἀλία*, and the preliminary decree of the *βωλά* was apparently *ῥήτρα*, see Demosth. *Cor.* § 112.

legatum ad te salutandum. Legati were sent to Rome on various missions both by the provinces and by the municipal towns. In the former case they were elected by the 'concilium provinciae,' in the latter by the 'decuriones'; cf. Plin. *Ep.* vii 6, 'adest provinciae legatus, attulit decretum concilii ad Caesarem. The votes of thanks, 'laudationes,' which had formerly been conveyed to Rome on the departure of the governor, Cic. *Verr.* ii 4, 5, and *ad Fam.* iii 8, were put an end to by Nero; Tac. *Ann.* xv 22, 'Mox auctore principe sanxere ne quis ad concilium sociorum referret agendas apud senatum propraetoribus pro ve consulibus grates, neu quis ea legatione fungeretur.' For these legationes there was as a rule no direct remuneration, and they were looked upon as burdens. Those who had the 'ius trium liberorum' were exempt. Vespasian limited the number sent by any state to three; *Dig.* 58, 5, 'Praecipitur autem edicto divi Vespasiani omnibus civitatibus ne plures quam ternos legatos mittant.' A legatus, from the time of his appointment (legato tempus prodest ex quo legatus creatus est, non ex quo Romam venit) could undertake no private business ('qui legationis officio fungitur, suum negotium curare non potest'), *Dig.* 50, 7. Cf. Tac. *Ann.* xvi 5, 'quique per longinquas provincias . . . officio legationum advenerant.'

nummorum duodena milia. This was the legativum or legatorum viaticum, which was no doubt calculated on a ruinously extravagant scale; *Dig.* 50,

retinendum, psephisma autem mittendum putavi, ut simul et
3 sumptus levaretur et inpleretur publicum officium. Eidem
civitati inputata sunt terna milia, quae viatici nomine annua
dabantur legato eunti ad eum qui Moesiae praeest publice salu-
4 tandum. Haec ego in posterum circumcidenda existimavi. Te,
domine, rogo ut quid sentias rescribendo aut consilium meum
confirmare aut errorem emendare digneris.

5 Haec ego, *B. and Ald.* nec ego, *Avant.*

4, 'legati quoque qui ad sacrarium principis mittuntur, viaticum quod legativum dicitur interdum solent accipere,' and 50, 7, 'His qui non gratuitam legationem susceperunt, legativum ex forma restituatur.' They were also for two years freed from all other public offices.

§ 2. **propositi tui.** *Ep.* 18, 3, 'rationes autem in primis tibi rerum publicarum excutiendae sunt'; also *Ep.* 38.

ut sumptus levaretur. Cf. Cic. *ad Fam.*, iii 8, 2, 'nam, quod ad legatos attinet, quid a me fieri potuit aut elegantius aut iustius quam ut sumptus egentissimarum civitatum minuerem. . . . Apameae quum essem multarum civitatum principes ad me detulerunt, sumptus decerni legatis nimis magnos, quum solvendo civitates non essent.'

§ 3. **inputata sunt**, have been entered in the accounts. Cf. Col. i 7, quoted by Lewis and Short, 'villici servi longe plus inputant seminis iacti quam quod severint.'

ad eum qui Moesiae praeest. The term praeses after the first century and anterior to Diocletian was applied indiscriminately to all provincial governors, whether of imperial, senatorial, or procuratorial provinces. Thus we find a 'praeses Moesiae superioris,' Wilm. 662; a 'praeses Sardiniae,' Wilm. 1023; and a 'praeses Raetiae,' Wilm. 1058. Cf. also Tac. *Ann.* vi 41; Suet. *Aug.* 23; *Tib.* 32; *Otho.* 7, etc. The object of sending this annual salutation to the legate of lower Moesia was probably twofold: (1) Byzantium seems to have been under the military protection of the Danube legions, and (2) there was a considerable trade between Byzantium and such coast-towns of Moesia as Odessus, Callatis and Tomi. Mommsen, *Rom. Gesch.* v, p. 280.

XLIIII [LIII]

TRAIANUS PLINIO S.

Optime fecisti, Secunde carissime, duodena ista Byzantiis quae ad salutandum me in legatum inpendebantur remittendo. Fungetur his partibus, etsi solum psephisma per te missum fuerit. Ignoscet illis et Moesiae praeses, si minus illum sumptuose coluerint.

3 Fungetur, *B. and Ald.* Perpetuo, *Avant.*

You have done well, my Pliny, in remitting the 12,000 sesterces which the Byzantines have granted to the legate who conveys their salutations to me.

Fungetur his partibus. The reading of Avantius is 'Perpetuo his partibus.' The Bodleian copy, however, has 'fungetur' in the margin from the collation of Iucundus, and this Aldus followed.

Moesiae praeses. At this time it was Calpurnius Macer who was 'legatus Moesiae inferioris.' Moesia was divided into an upper and a lower province at least as early as Domitian's reign. See Spart. *Hadr.* 2, 3, 'post hoc in inferiorem Moesiam translatus extremis iam Domitiani temporibus.'

XLV [LIII]

De diplomatibus

C. PLINIUS TRAIANO IMPERATORI

Diplomata, domine, quorum dies praeteriit an omnino observari et quam diu velis rogo scribas meque haesitatione liberes.

33 praeteriit an omnino, *Or.* praeterita omnino, *Avant. and Ald.*

I should be glad to know, sire, whether orders to use the imperial post are valid after their date has expired, and if so, for how long. I am anxious on the one hand not to sanction an illegal use of them, and on the other not to impede necessary despatches.

This letter was probably written early in January 112, as the diplomata were no doubt made out for the current year only.

diplomata quorum dies praeteriit. Under the republic there were no systematic arrangements for the conveyance of despatches between the senate and the provincial governors. Augustus, in order to bring the whole empire into closer communication with Rome, not only very largely developed the military and commercial roads, but also established an imperial postal system. All the main roads were lined with stations, where couriers, relays of horses, and carriages, were kept; Suet. *Aug.* 42, 'quo celerius ac sub manum adnuntiari cognoscique posset quod in provincia quaque gereretur, iuvenes primo modicis intervallis per militares vias, dehinc vehicula disposuit: commodius id visum est, ut qui a loco perferunt litteras, interrogari quoque, si quid res exigat, possint.' The institution was called the 'cursus publicus,' and when it was fully developed, resting-places for the night were established at intervals mostly in towns or villages, and between these about six mutationes or places to change horses. At each mutatio were kept horses (veredi: cf. Mart. xii 14, 'Parcius utaris, moneo, rapiente veredo'), mules, vehicula, and a number of servi publici. The couriers were called veredarii, or earlier 'speculatores'; Suet. *Calig.* 44, 'monitis speculatoribus ut vehiculo ad forum usque et curiam pertenderent'; and Tac. *Hist.* ii 73, 'postquam speculatores e Syria Iudaeaque adactum in verba eius Orientem nuntiavere.' The post was used (1) for the conveyance of public despatches carried by the couriers, cf. Tac. *Hist.* ii 73; (2) for the convenience of magistrates and provincial governors in their official journeys, cf. *Ep.* 17; and for journeys of the emperors themselves, Plin. *Panegyr.* 20, 'nullus in exigendis vehiculis tumultus, nullum circa hospitia fastidium: quam dissimilis nuper alterius principis transitus'; and Suet. *Tib.* 38; (3) for those individuals travelling with few exceptions on public business, who were furnished with the diplomata, or passports. These like the military diplomata consisted of two folding tablets. They had inscribed the name of the reigning emperor; Tac. *Hist.* ii 6, 'tanquam audito Vitellii et Othonis principatu propriam ipse potentiam et possessionem Hispaniarum temptasset, eoque diplomatibus nullum principem praescripsisset,' the name of the person authorised to use the post, and the period for which it was available ('quorum dies praeteriit'). These diplomata at a later time were granted only by the emperors, but at this period apparently the provincial governors were provided with blank forms which they could fill in and assign. On the emperor's death his diplomata became useless; cf. Tac. *Hist.* ii 54, 'causa fingendi fuit ut diplomata Othonis quae neglegebantur, laetiore nuntio, revalescerent.' Pliny grants a diploma to the tabellarius of King Sauromates, *Ep.* 64, and in an exceptional case to his own wife, *Ep.* 120, 'usque in hoc tempus, neque cuiquam diplomata commodavi neque in rem ullam nisi tuam misi.' Originally the expenses of the post system were borne by the several localities themselves, and were probably a considerable burden. Nerva remitted them in the case of Italy, and transferred them to the fiscus, Eckhel, vi 408, 'vehiculatione Italiae remissa.' Trajan made considerable use of the institution Aur. Vict. *Caes.* 13, 5, 'noscendis ocius quae ubique e republica gerebantur admota media publici cursus.' Hadrian seems to

Vereor enim ne in alterutram partem ignorantia lapsus aut inlicita confirmem aut necessaria inpediam.

have extended Nerva's remission to the provinces; Spart. *Hadr.* 7, 'statim cursum fiscalem instituit ne magistratus hoc onere gravarentur'; but as similar statements are made by Capitolinus of Antoninus Pius, c. 12, 'vehicularium cursum summa diligentia sublevavit,' and by Spartian of Severus, c. 14, 'vehicularium munus a privatis ad fiscum traduxit,' we must suppose that the remissions were either temporary or partial only. See Mommsen, *Staatsrecht*, vol. ii 987-989; Marquadt, *Staatsverw.* vol. i 559-561; Pauly, *Real Encyclop.* vol. v, *s.v.* 'Postwesen.'

praeteriit an. This is Orelli's emendation of the original reading 'praeterita an.'

meque haesitatione liberes. Cf. *Ep.* 25, 'meque longae expectationis sollicitudine liberavit.'

aut inlicita confirmem. A limitation of time was necessary, or the diplomata might have been used like the liberae legationes' in republican times.

XLVI [LV]

TRAIANUS PLINIO S.

Diplomata quorum praeteritus est dies non debent esse in usu: ideo inter prima iniungo mihi ut per omnes provincias ante mittam nova diplomata quam desiderari possint.

Passports the date of which has expired ought not to be used, and so I make it a strict rule always to send out fresh ones before they can possibly be required.

iniungo mihi. Cf. Plin. *Ep.* ii 18, 1, 'quid a te mihi iucundius potuit iniungi quam ut,'; iv 9, 4, 'nam Bassus mihi iniunxerat ut,' and iv 13, 11, and iii 18, 1.

XLVII [LVI]

De privilegio Apameorum

C. PLINIUS TRAIANO IMPERATORI

1 Cum vellem, domine, Apameae cognoscere publicos debitores et reditum et inpendia, responsum est mihi cupere quidem

2 redditum, *Avant.*

§ 1. When I wished, sire, to inspect the financial condition of Apamea, I was informed that though there was a general wish that the accounts of the colony should come under my scrutiny, yet they had never yet been laid before any of the proconsuls, as they had the privilege, dating from very ancient times, of managing their own affairs in their own way. § 2. I required them to draw up their statements and the documents in which they were founded in a memorial, which I send to you, just as I received it, though I am aware that many of its contents are not to the point. § 3. I should be glad if you would deign to instruct me how to act; since I am anxious not to exceed or fall short of my duty.

Apameae. This town, not far from Prusa ad Olympum, had been originally founded under the name of Myrlea by the Colophonii; it was enlarged and improved by Prusias, the protector of Hannibal, who gave it the náme of Apamea, after his wife; Strabo, 12, p. 564. It was made a Roman colony probably by Iulius Caesar after the civil war, though a second body of colonists

universos ut a me rationes coloniae legerentur, numquam tamen esse lectas ab ullo proconsulum, habuisse privilegium et vetustissimum morem arbitrio suo rem publicam administrare.
Exegi ut quae dicebant quaeque recitabant libello conplecte- 2
rentur, quem tibi qualem acceperam misi, quamvis intellegerem pleraque ex illo ad id de quo quaeritur non pertinere. Te rogo 3
ut mihi praeire digneris quid me putes observare debere. Vereor enim ne aut excessisse aut non inplesse officii mei partes videar.

1 rationes, *Ald.*; stationes, *Avant.*
6 ad id, *Cat.* addi, *Avant. and Ald.*
7 praecipere, *Avant.* praeire, *B. and Ald.*

may have been sent out by Augustus, who does not, however, mention Bithynia among the provinces to which he had sent colonists. Momms. *Res gest. div. Aug.* p. 83. Its full title, as we know from coins, was Colonia Iulia Concordia Augusta Apamea, Eckhel, ii 406; and see C. I. L. iii 335; Plin. h. n. 5, 32. From the *Digest*, 50, 15, 1, 10, we learn that Apamea possessed the 'ius Italicum'; in other words, that it was exempted from the poll-tax and the land-tax; that its landholders had quiritary ownership of the soil, and could apply the legal processes of usucapio, in iure cessio, mancipatio and vindicatio; Marquadt, *Staatsverw.* i p. 91. An inscr. in Orell. 3311 mentions a road restored and paved, 'ab Apamea ad Nicaeam.'

cognoscere publicos debitores, etc. Cf. on *Ep.* 17, 'reipubl. Prusensium impendia reditus debitores excutio.' The colonies and towns of Latin right were not, like the civitates foederatae, beyond the interference of the provincial governors, but practically their municipal affairs were left to their own management. Otherwise Spain, on the whole of which Vespasian conferred the 'ius Latii,' would have been entirely exempt from a governor's interference; but Plin. h. n. 3, 12, reckons the colonies as belonging to the several conventus, thus proving that in judicial matters they were subject to the governor's tribunal. Even as regards the various free cities in Greece, their liberties, as Mommsen says, *Rom. Gesch.* 5, p. 263, were liable to be overturned by a stroke of the proconsul's pen.

coloniae. Dio Chrysostom expatiates on the colonial position of Apamea in Or. xli, pp. 103-105.

ab ullo proconsulum. Cf. *Ep.* 33, § 5.

privilegium. Cf. *Ep.* 109, 'nam sive habent privilegium quo ceteris creditoribus anteponantur,' etc.

arbitrio suo rem publicam administrare, not, however, according to its own laws, as in the case of the civitates foederatae. Cf. *Ep.* 92.

§ 2. **quae dicebant**, their statements; **quae recitabant**, their citations, from such documents as the lex coloniae, etc. Cf. Cic. *pro Flacc.* 17, 40, 'Qui de tabulis publicis recitat iis, quae in accusatoris potestate fuerunt, non debet habere auctoritatem.'

libello, is a memorial or petition, Suet. *Aug.* 53, 'Promiscuis salutationibus admittebat et plebem, tanta comitate adeuntium desideria excipiens, ut quemdam ioco corripuerit, quod sic sibi libellum porrigere dubitaret quasi elephanto stipem,' and *id. ib.* 50, 'in diplomatibus libellisque et epistulis signandis initio Sphinge usus est.' The officer or secretary who had the charge of answering the libelli was said 'libellos agere' cf. *Dig.* 20, 5, 12 'libellos agente Papiniano.' His usual title was 'a libellis,' Suet. *Dom.* 14, 'Epaphroditum a libellis capitali poena condemnavit,' Wilm. 1249 *b.*; cf. *Ep.* 59.

§ 3. **praeire digneris.** Cf. *Ep.* 43, § 4.

vereor enim ne. Cf. *Ep.* 45. Pliny's extreme diffidence gives a certain monotony to his style. Avantius reads 'praecipere,' but this is corrected from Iucundus in the margin of the Bodleian copy to 'praeire.'

XLVIII [LVII]

TRAIANUS PLINIO S.

1 Libellus Apameorum quem epistulae tuae iunxeras remisit mihi necessitatem perpendendi qualia essent, propter quae videri volunt eos qui pro consulibus hanc provinciam obtinuerunt abstinuisse inspectatione rationum suarum, cum, ipse ut eas
2 inspiceres, non recusaverint. Remuneranda est igitur probitas eorum, ut iam nunc sciant hoc quod inspecturus es ex mea voluntate salvis quae habent privilegiis esse facturum.

2 perpendendi, *Cat.*[2]
perpendi, *Avant. and Ald.*
perpendi .n., *B.*

4 cum ipse (ut eas inspiceres) non rescusaverim, *Avant.*
cum ipsum te ut eas inspic. non recusaverint, *Ald.*

The memorial of the Apameans which you append to your letter relieves me from the necessity of considering the reasons they assign for the non-inspection of their accounts by the proconsuls, since they do not refuse to allow your inspection. You must therefore reward their honesty by assuring them that your inspection will be by my especial desire, without any prejudice to their existing privileges.

epistulae tuae iunxeras; cf. *Ep.* 58, 'ea quae sunt utrimque recitata his litteris subieci.'

propter quae videri volunt, 'on account of which they wish it to appear.'

ipse ut eas inspiceres, that *you* should inspect them; the 'ipse' emphasises the contrast between Pliny and the proconsuls. The 'prima editio' here reads 'cum ipse (ut eas nspiceres) non recusaverim.'

iam nunc, for the moment. Trajan leaves the general question as to their liability to inspection undecided; and the words 'videri volunt' imply that Trajan was not quite satisfied on the point. The present inspection, however, is all that he lays stress on at present, and as they consent to this, it may be put down on this occasion to the emperor's special wish, the question of privilege being left for future consideration.

hoc quod inspecturus es facturum, 'that you are going to carry out this inspection'; 'hoc' is not the antecedent of 'quod': the relative clause is simply explanatory of 'hoc.'

XLVIIII [LVIII]

De religioso templo transferendo

C. PLINIUS TRAIANO IMPERATORI

1 Ante adventum meum, domine, Nicomedenses priori foro novum adicere coeperunt, cuius in angulo est aedes vetustissima

§ 1. Before my arrival, sire, the people of Nicomedeia began to build a new forum in addition to the one they had before. In a corner of it stands an ancient temple of the 'Great Mother,' which must be either restored or removed to a fresh site, because it is on a lower level than the buildings which are now being raised. § 2. When I inquired whether the temple was subject to any special condition, I found that the manner of dedication here differs from ours. Therefore consider,

Matris Magnae aut reficienda aut transferenda; ob hoc praecipue, quod est multo depressior opere eo quod cum maxime

2 quod cum maxime, *Gruter.* quod nunc, maxime, *Avant.* quo cum maxime, *Ald.*

sire, whether a temple dedicated thus without conditions can rightfully be removed. Its removal, if there is no religious objection, is on other grounds the most convenient course.

aedes vetustissima Matris Magnae. The Phrygian goddess Cybele, so called from a mountain in that country, was worshipped in Phrygia and the neighbouring parts of Asia Minor from very early times. From similarity of attributes and of the attendant rites of cult, she, as the μεγάλη μήτηρ τῶν θεῶν (Diod. v. 49) was confused sometimes with the Cretan goddess Rhea or 'Ρεία, while again Rhea was sometimes identified with Γῆ (Aeschyl. *Suppl.* 901) and even with the Samothracian Demeter (Eurip. *Hel.* 1304). At what period her worship passed from Asia Minor to Greece is not known, but certainly before the time of Pindar. In Phrygia its existence is attested by the coins of the Phrygian towns; it was celebrated on Mount Ida in Mysia; there was a temple near Lampsacus, and another in Cyzicus; also at Magnesia in Lydia, and at Sardes (Herod. v 102); while one of the principal seats of the worship was Pessinus in Galatia. The ritual of her worship turned on the relations between the goddess and her priest Attis or Atys. Of this myth several versions are given; (1) by Diodorus, iii 58 and 59; (2) by Pausanias, *Achaica*, vii 17, 5; (3) by Ovid, *Met.* x 104 *Fast.* iv 223, etc.; (4) by Catullus, 62; (5) by Servius, *ad Verg.* ix 116. The worship of this Phrygian goddess was the first of the oriental cults to be introduced into Rome. During the second Punic war the Sibylline books declared (Liv. 29, 10, 3), 'quandoque hostis alienigena terrae Italiae bellum intulisset, eum pelli Italia vincique posse, si mater Idaea a Pessinunte Romam advecta foret' also Ovid, *Fast.* iv 259: Accordingly in B.C. 204 the Romans asked for and obtained from King Attalus the sacred stone at Pessinus under the symbol of which the goddess was worshipped ('silex coloris furvi atque atri, ferri qui posset hominis manu'). For the reception of the goddess in the aedes Victoriae in Palatio, see Livy, 29, 14, 13, and Juv. iii 138, 'hospes numinis Idaei.' The Megalesia were founded in her honour and lasted April 4-10. Thirteen years later a temple was dedicated to the goddess on the Palatine, Livy, 36, 36; inside the pomerium, because the foreign goddess was identified with the magna mater of the old Roman religion and with Maia or Ops. The cult was put under the charge of a Phrygian priest and priestess and a number of Galli (cf. Juv. ii 110, *seqq.*; viii 176), who performed the ritual after their national customs, but Roman citizens were forbidden to take part in it. Under the empire, however, the oriental rites in connection with Cybele and Attis were sanctioned, a new festival was instituted in March, and the goddess was regarded as the fertiliser and protectress of the fruits of the earth; cf. Plin. h. n. 18, 16, 'verum quo anno mater deum advecta Romam est, maiorem ea aestate messem quam antecedentibus annis decem factam esse tradunt.' On the 15th March, called in the Calendar 'canna intrat,' the 'collegium cannophororum,' many inscriptions concerning which have been found near the Metroon in Ostia, celebrated their feast in memory of the reeds under which Attis concealed himself, C. I. L. i p. 388. On March 23—arbor intrat—the sacred fig-tree was carried into the Palatine temple by the collegium dendrophororum, C. I. L. vi 641, v 81; Arnob. 5, 16. On March 23 was the tubilustrium, in which Attis was searched for amid the blowing of horns and the clang of musical instruments. Next day was the 'dies sanguinis,' in which the archigallus wounded his arm in symbol of the self-inflicted wound of the mad Attis; Mart. ii 84, 3, 'Alba minus saevis lacerantur brachia cultris, Quem furit ad Phrygios enthea turba modos.' Stat. *Theb.* x 170, 'Sic Phryga terrificis genitrix Idaea cruentum Elicit ex adytis.' *Hist. Aug. Vit. Claud.* 4, 'cum nuntiatum esset viiii Kal. Apr. ipso in sacrario matris sanguinis die Claudium imperatorem factum.' On the 27th was the Hilaria, and on the 28th the lavatio Deae, when the sacred stone was taken to the Almo and washed; Lucan, i 599; Mart. iii 47, 2, 'Phrygiamque Matris Almo qua lavat ferrum'; Ovid. *Fast.* iv 340; Ammian. 23, 3, 7; after which the oriental orgies had free play. The goddess was called

2 surgit. Ego cum quaererem num esset aliqua lex dicta templo, cognovi alium hic alium apud nos esse morem dedicationis. Dispice ergo, domine, an putes aedem cui nulla lex dicta est salva religione posse transferri: alioqui commodissimum est, si religio non inpedit.

1 dicata, *Ald.*; dicta, *B.*

Cybele or Phrygia Mater; Verg. *Aen.* vii 39, 'alma parens Idaea deum' *id. Aen.* x 252; Μήτηρ Δινδυμήνη, *Herod.* i 80, and 'Berecynthia mater' Verg. *Aen.* vii 784; ix 82. Her priests were Galli, or Corybantes, or Curetes; see Pauly, *Real Encyclop.* s.v. 'Rea.'; Marqdt. *Staatsverw.* iii, p. 367 *seqq.* In later times the taurobolium or criobolium, which with its atonement by blood has exercised so curious an influence on Christian theology, was engrafted upon the worship of the Magna Mater as well as upon that of Mithras.

cum maxime, at the present time. Cf. *supra, Ep.* 17 *B.*

§ 2. **aliqua lex dicta templo.** The pontifices on consecrating a temple drew up a 'lex dedicationis' or 'lex templi,' in which the extent of the sacred enclosure, the rights of the temple, the administration of its revenues, and the ceremonies of the sacrifices were defined. Cf. Serv. *ad Verg. Aen.* ii 761, 'Asylum non est in omnibus templis nisi quibus consecrationis lege concessum est.' The 'lex arae Narbonensis' is extant, Wilm. 104, dating from 11 A.D. One of its clauses is 'si quis tergere, ornare, reficere volet, quod beneficii causa fiat, ius fasque esto,' and 'ceterae leges huic arae titulisque eaedem sunto quae sunt arae Dianae in Aventino'; also C. I. L. iii, the lex of a temple at Salonae; and C. I. L. ix 3513, 'lex dedicationis aedis Iovis Liberi' at Furfo. Bruns. *Fontes Iur. Rom.* p. 88, 'Lapide facta hoiusque aedis ergo, uteique ad eam aedem scalasque, lapide structa, endo columnae stant citra scalas ad aedem versus, stipitesque aedis huius tabulamentaque, utei tangere sarcire tegere devehere, defigere mandare ferro oeti promovere referre ius fasque esto.'

dispice ergo. Cf. *Ep.* 17 B, 33, 3.

salva religione. Cf. *Ep.* 48, 'salvis quae habent privilegiis. *Ep.* 31, 'salva magnitudina tua.'

si religio non inpedit. According to the Roman dedication a temple or piece of ground once consecrated could only be used for other purposes by exauguratio or evocatio deorum; cf. Livy i 55, 'et ut libera a ceteris religionibus area esset tota Iovis templique eius, quod inaedificaretur, exaugurare fana sacellaque statuit . . . nam quum omnium sacellorum exaugurationes admitterent aves in Termini fano non addixere'; and v 54, 'hic quum augurato liberaretur Capitolium Iuventus Terminusque maximo gaudio patrum vestrorum moveri se non passi.'

L [LVIIII]

TRAIANUS PLINIO S.

Potes, mi Secunde carissime, sine sollicitudine religionis, si loci positio videtur hoc desiderare, aedem Matris deum

If the question of site requires it, you may without any religious scruple transfer the temple of the Mother of the Gods to a more convenient position. The absence of a 'lex dedicationis' is of no consequence, since the soil of an alien state is not capable of dedication according to our laws.

solum peregrinae civitatis. Strictly speaking, all civitates were peregrinae except the coloniae of Roman citizens and the municipia; but practically the towns possessing the ius Latii were counted among the Roman towns, and the term peregrinae was confined to the civitates liberae, foederatae, and stipendariae.

transferre in eam quae est accommodatior; nec te moveat quod lex dedicationis nulla reperitur, cum solum peregrinae civitatis capax non sit dedicationis quae fit nostro iure.

LI [XII]

Gratias agentis

C. PLINIUS TRAIANO IMPERATORI

Difficile est, domine, exprimere verbis quantam percepe- 1
rim laetitiam, quod et mihi et socrui meae praestitisti ut adfinem eius Caelium Clementem in hanc provinciam transferres.
Ex illo enim mensuram beneficii tui penitus intellego, cum 2
tam plenam indulgentiam cum tota domo mea experiar, cui referre gratiam parem ne audeo quidem, quamvis maxime possim. Itaque ad vota confugio deosque precor ut iis quae in me adsidue confers non indignus existimer.

2 adfinem eius, *Beroaldus.*
ad finem eius, *Avant. and Ald.*
ad finem consulatus, *Cat.*

6 nec, *Avant and Ald.*
quamvis maxime possim, *Avant.*
quamvis Maximo possim, *Ald.*
quamvis maxime debeam, *Cat.*

§ 1. I cannot adequately, sire, express my joy that out of regard to my mother-in-law and myself you have transferred Caelius Clemens, her relation, to this province. § 2. Your kindness is a proof that you extend your indulgence to my whole family. I dare not even attempt to repay it, whatever my ability might be. I therefore have recourse to the gods, of whom I pray that I may not be unworthy of your constant benefits.

§ 1. **difficile est exprimere**, etc. Cf. *Ep.* 2 and 10.

socrui meae. This was Pompeia Celerina, the mother of his second wife, who died in 97 A.D., *Ep.* ix 13, 4, 'quamquam tum maxime tristis amissa nuper uxore.' Pliny's wife was Pompeia's daughter by her first marriage; she afterwards married Vettius Proculus, *Ep.* ix 13, 13, 'uxoris meae quam amiseram vitricus.' Pliny writes to her, *Ep.* i 4, whence it appears that she had estates at Ocriculum, Narnia, Carsulae, and Perusia. In *Ep.* iii 19, Pliny borrows money from her to buy a neighbouring estate, 'accipiam a socru cuius arca non secus ac mea utor.' After the death of Verginius Rufus, she seems to have bought his villa at Alsium, *Ep.* 16 10, 'cum venissem in socrus meae villam Alsiensem, quae aliquando Rufi Verginii fuit.'

adfinem eius. That this was the correct reading was first seen by Beroaldus. The reading of Avantius was ad finem eius, which Catanaeus emended into ad finem consulatus. This, however, is impossible: (1) it would leave unexplained the favour to Pompeia and Pliny; (2) a provincial governorship was never given immediately after the consulship; (3) if he was to be proconsul of Bithynia, the senate and not Trajan would appoint him; (4) 'transferres' implies change from one province to another. Clemens was probably either a procurator or the praefect of some auxiliary cohort.

§ 2. **mensuram beneficii tui.** Cf. 'mensura nostri orbis.' Tac. *Agric.* 12, and Juv. iv 72, 'sed deerat pisci patinae mensura.'

cui referre gratiam parem. Cf. *Ep.* 5.

quamvis maxime possim, however great my power may be. The reading is probably incorrect. The Aldine edition had 'quamvis Maximo possim.' Catanaeus emended to 'quamvis maxime debeam,' which has usually been followed. 'Immense as my indebtedness is,' however, is not what is required, for it was the greatness of the debt which made Pliny shrink from an attempt to express his thanks for it.

LII [LX]

Ad diem imperii

C. PLINIUS TRAIANO IMPERATORI

Diem, domine, quo servasti imperium, dum suscipis, quanta mereris laetitia celebravimus, precati deos ut te generi humano, cuius tutela et securitas saluti tua innisa est, incolumem florentemque praestarent. Praeivimus et commilitonibus

3 innisa, *B. and Ald.* immissa, *Avant.*

4 praeivimus, *B. and Ald.* praebuimus, *Avant.*

We have celebrated the day, sire, on which, by accepting, you preserved the empire, with all due joy, praying the gods to preserve you to the human race in that health and prosperity on which its safety and protection depends. We have also administered the oath of fidelity to the soldiers, while the provincials repeated it with the same zeal and loyalty.

diem quo servasti imperium. The 'dies imperii' was the day on which the imperium or proconsular power was conferred on the new prince either by the senate or the army. The tribunicial power might be conferred either before this in the lifetime of the previous prince, as in the case of Tiberius (Momms. *Staatsr.* ii p. 775) and Trajan (Plin. *Panegyr.* § 8), or it might be conferred after it. Thus Nero's dies imperii was October 13, 54 (Momms. *Staatsr.* ii p. 774): but he did not receive the tribun. pot. till December 4. So the dies imperii for Vitellius is April 19, 69; Henzen, *Arvalacten*, p. 63, 'ob diem imperii quod xiiii K. Mai statutum est'; but he received the tribun. pot. on April 30. Vespasian's dies imperii was July 1, 69; Suet. *Vesp.* 6, 'Tiberius Alexander, praefectus Aegypti primus in verba Vespasiani legiones adegit Kal. Iul. qui principatus dies in posterum observatus est,' and Tac. *Hist.* ii 79; but he received the tribunicial power only after the death of Vitellius on December 20; Suet. *Vesp.* 12, 'Ac ne tribuniciam quidem potestatem et patris patriae appellationem nisi sero recepit.' This conferment of the imperium, the real essence of the principate, might take place, as in the republican days, either from the senate or from the army greeting their victorious general as imperator; cf. Tac. *Ann.* iii 74, 'Sed Tiberius . . . id quoque Blaeso tribuit, ut imperator a legionibus salutaretur; prisco erga duces honore, qui, bene gesta republica, gaudio et impetu victoris exercitus conclamabantur: erantque plures simul imperatores, nec super ceterorum aequalitatem: concessit Augustus id vocabulum quibusdam, et tunc Tiberius Blaeso postremum'; Plin. *Panegyr.* 12, 'Vident enim Romanum ducem unum ex illis veteribus et priscis, quibus imperatorium nomen addebant contecti caedibus campi et infecta victoriis maria,' and Cic. *Phil.* xiv 4, 11, 'Sed hoc primum faciam, ut imperatores appellem eos, quorum virtute, consilio, felicitate maximis periculis servitutis atque interitus liberati sumus.' Constitutionally the imperium was equally valid from whichever source it came, and the dies imperii dated from the first conferment whether by the senate or the army. Caligula was proclaimed by the senate (Henzen, *Arvalacten*, p. 63, with reference to March 18, 58), 'quod hoc die a senatu imperator appellatus est.' Claudius was proclaimed by the soldiers, Suet. *Claud.* 10; so was Nero, Tac. *Ann.* 12, 69, 'illatus castris Nero . . . imperator consalutatur; sententiam militum secuta patrum consilia.' The case of Vitellius was exceptional. He was proclaimed by the legions of lower Germany in January 69, but he reckoned his dies imperii to be that on which the senate recognised him, Henzen, *Arvalacten*, and Tac. *Hist.* ii 55, where the Ceriales ludi, April 12-19, confirm the date. Vespasian was proclaimed by the army on July 1 (see above), but was not recognised by the senate till December. But though constitutionally it made no difference whether the proclamation came first from the senate or the army, yet the former course was considered the most suitable, and we even find Hadrian apologising to the senate, 'quod de imperio suo iudicium senatui non dedisset,

ius iurandum more sollemni, eadem provincialibus certatim pietate iurantibus.

1 eadem provincialibus certante (certatim, *Ber.*) pietate iurantibus, *Avant.* praestantibus et provincialibus, qui eadem certarunt pietate, iurantibus, *Ald.*

salutatus scilicet praepropere a militibus imperator,' *Spart.* c. 6. Trajan's dies imperii was January 27, the day of Nerva's death, and the conferment of the imperium came from the senate and was conveyed to Trajan by Hadrian, Spart. *Hadr.* c. 2. We sometimes find that the anniversary of the tribun. power and the dies imperii coincide. Probably in the first century the law granting the tribun. pot. was made retrospective, so as to date from the dies imperii. On the calculation of Trajan's tribun. pot. see life of Trajan, p. 16.

quanta mereris laetitia celebravimus. Cf. Livy, xxv 32, 'Scipio cum quibus ante dictum est copiis.'

generi humano. See on *Ep.* 1.

incolumem florentemque. Cf. *Ep.* 1, 'fortem te ac hilarem . . . opto.'

praeivimus et commilitonibus iusiurandum. Both in the imperial and senatorial provinces all the troops took the sacramentum to the emperor alone, except in so far as the whole imperial house was included; Tac. *Ann.* xiv 7, 'praetorianos toti Caesarum domui obstrictos'; and Suet. *Calig.* 15, 'de sororibus auctor fuit ut omnibus sacramentis adiceretur - neque me liberosque meos cariores habebo quam Caium habeo et sorores eius.' It was probably the old military oath of which Polybius, vi 21, 2, gives the formula, 'ἦ μὴν πειθαρχήσειν καὶ ποιήσειν τὸ προστασσόμενον ὑπὸ τῶν ἀρχόντων κατὰ δύναμιν,' though Augustus may have slightly altered it to suit its new meaning; Dio Cass. 57, 3, 'τοῖς ὅρκοις τοῖς ὑπὸ τοῦ Αὐγούστου καταδειχθεῖσι.' Veget. 2, 5, 'iurant autem milites omnia se strenue facturos quae praeceperit imperator, nunquam deserturos nec mortem recusaturos pro Romana republica.' It was taken by all the soldiers on the emperor's accession, Ioseph. *Antiq.* 19, 4, 2; Tac. *Ann.* 14, 11; *Hist.* i 53; Suet. *Claud.* 10, 'armatos pro concione iurare in nomen suum passus est'; *Galb.* 11, 'cunctis in verba sua iurasse cognovit'; *Otho*, 8, 'Germaniciani exercitus in Vitellii verba iurarant'; *Vitell.* 15; *Vesp.* 6, etc. This oath was repeated on the anniversary of the dies imperii; cf. *Ep.* 102 and 103, and on the 1st of January every year, 'solemni Kalendarum Ianuarium sacramento,' Tac. *Hist.* i 55; Suet. *Galb.* 16, 'ergo primi obsequium rupere, ac se Kalendis Ianuarii adigi sacramento, nisi in nomen senatus, recusarunt,' and cf. Tac. *Ann.* i 8, 'addebat Messala Valerius renovandum per annos sacramentum in nomen Tiberii.'

eadem provincialibus certatim pietate iurantibus. The provincial and the civil population generally took the oath voluntarily; cf. Tac. *Ann.* i 7, 'At Romae ruere in servitium consules, patres, eques; . . . consules primi in verba Tiberii Caesaris iuravere: . . . mox senatus milesque et populus': though two passages seem to imply that provincial governors administered the oath to their provincials on the accession of a new emperor; Tac. *Ann.* i 31, 'Germanicus . . . Belgarum civitates in verba eius adigit,' and Ioseph. *Antiq.* 18, 5, 3. Cf. the 'ius iurandum Aritiensium,' C. I. L. ii 172. For 'praeivimus ius iurandum' cf. Tac. *Hist.* i 36, 'praeire sacramentum'' ii 74, 'praeeuntem sacramentum.'

LIII [LXI]

TRAIANUS PLINIO S.

Quanta religione et laetitia commilitones cum provincialibus te praeeunte diem imperii mei celebraverint libenter, mi Secunde carissme, cognovi literis tuis.

3 agnovi, *Avant.*

I gladly learn from your letter, my dear Pliny, of the zeal and affection with which soldiers and provincials have taken the oath of allegiance on the anniversary of my accession.

LIIII [LXII]

De pecunia fenoris

C. PLINIUS TRAIANO IMPERATORI

1 Pecuniae publicae, domine, providentia tua et ministerio nostro et iam exactae sunt et exiguntur; quae vereor ne otiosae iaceant. Nam et praediorum conparandorum aut nulla aut rarissima occasio est, nec inveniuntur qui velint debere rei publicae, praesertim (duodenis assibus), quanti a privatis mutuantur.

5 duodenis assibus, *Avant and Ald.* usuris assibus, *Gronovius.* mutuantur, *B. and Ald.* muniantur, *Avant.*

§ 1. The money owing to the towns, sire, has either been called in, or is in the act of being so. I am only afraid lest it should remain uninvested. There are few opportunities of purchasing land, nor are borrowers of the public funds to be found, at 12 per cent, the private rate of interest. § 2. Would it not be well to lower the rate of interest, and so attract suitable borrowers, or if that course also fails, to compel the decuriones to borrow the money in equal shares, upon their giving proper security? Even if they have to borrow against their will, this will be less of a hardship if the rate of interest is lowered.

publicae pecuniae, etc. Cf. *Ep.* 17, 'multae enim pecuniae variis ex causis a privatis detinentur,' and *Ep.* 23, 'erit enim pecunia ex qua fiat primum ea quam revocare a privatis et exigere iam coepi.'

tua providentia. Cf. *supra*, *Ep.* 43, 2, 'memor propositi tui.'

otiosae. Cf. the phrase 'pecuniam occupare,' Cic. *pro Flacc.* 21, 51; id. *Verr.* 2, 1; 36, 91. Cf. Quint. *Declam.* 345, 'pecuniam dedi et ex otiosa iacente patrimonii parte aliquid numeravi.'

nam et praediorum conparandorum aut nulla, etc. There was one good opportunity in Trajan's reign. Cf. Plin. *Ep.* vi 19, 6, 'hoc vendendi tempus (*i.e.* in Italy) tam Hercule quam in provinciis comparandi, dum idem candidati illic vendunt, ut hic emant.'

praesertim duodenis assibus. These words present considerable difficulty, because from the time of Sulla onward, interest was reckoned by the month and not by the year. Marquadt can only quote a single unmistakable instance of the latter. Henz. 7215, 'usuras totius anni computatas octono pernumerabo,' *i.e.* 12½ per cent. At the end of the republican period the normal rate of interest owing to the rapid acquisition of large capitals was as low as 4 per cent, though it suddenly rose to 8 per cent. Cic. *ad Att.* iv 15, 7, 'fenus ex triente Idib. Quint. factum erat bessibus.' In the provinces it was often considerably more. Verres extorted 24 per cent in Sicily; Brutus 48 per cent in Cyprus; and Cicero in his edict for Cilicia made 12 per cent the maximum rate. This from the time of the early empire seems to have been the normal rate, although Persius v 150, speaks of 11 per cent as 'avidos deunces.' Twelve per cent was 'centesimae usurae,' or 'centesima pars sortis,' and this is no doubt the interest about which Pliny is speaking here. 'Duodenis assibus,' however, can only mean 12 per cent, if the interest of the whole year is calculated. Whether this was ever done, and whether 'asses usurae' may not mean 1 per cent, instead of being regarded as equivalent to centesimae usurae, appears uncertain. Salmasius and Gronovius at any rate do not take this view, and read here 'usuris assibus.' Much more satisfactory, if any alteration must be made, seems to be J. A. Ernesti's omission of the two words altogether. Right or wrong, the words seem hardly wanted, as if 12 per cent was the normal rate, it was hardly necessary for Pliny to mention it. See Marquadt, *Staatsverw.* xi pp. 60, 61.

Dispice ergo, domine, numquid minuendam usuram ac per hoc 2
idoneos debitores invitandos putes, et si nec sic reperiuntur, distribuendam inter decuriones pecuniam, ita ut recte rei publicae caveant; quod quamquam invitis et recusantibus minus acerbum erit leviore usura constituta.

2 ne sic, *Avant and Ald.* 3 distribuendum, *Avant.*

§ 2. **despice ergo domine.** Cf. *Ep.* 49.

minuendam usuram; a course adopted in the case of the alimentationes in Italy. In the case of Pliny's own endowment at Comum, it was 6 per cent, 'pro quingentis millibus nummum . . . tricena millia annua daturus'; at Velleia, 5 per cent; at Ligures Baebiani 2½ per cent.

idoneos debitores invitandos; cf. *Digest*, 22, 1, 33, 'Praeterea (praeses provinciae) prospicere debet ne pecuniae publicae credantur sine pignoribus idoneis vel hypothecis.'

distribuendam inter decuriones pecuniam. Trajan's answer shows that the time had not yet come when the position of the decuriones involved burdens and liabilities rather than honours and privileges. The change did not in fact take place till after the end of the second century, but the very fact that Pliny could make a suggestion of this sort shows the beginnings of the change, and it is hardly surprising that even as early as this there should have been some 'qui inviti fiunt decuriones.' See *Ep.* 113.

ita ut recte rei publicae caveant. So when Tiberius sent public money to embarrassed debtors for three years without interest, it was on condition 'si debitor populo in duplum praediis cavisset,' Tac. *Ann.* vi 17. The necessity of giving security for loans of public money, and the greater facilities which the state had of enforcing repayment probably accounted for the reluctance shown to borrow public money.

LV [LXIII]

TRAIANUS PLINIO S.

Et ipse non aliud remedium dispicio, mi Secunde carissime, quam ut quantitas usurarum minuatur, quo facilius pecuniae publicae conlocentur. Modum eius ex copia eorum qui mutuabuntur tu constitues. Invitos ad accipiendum conpellere, quod fortassis ipsis otiosum futurum sit, non est ex iustitia nostrorum temporum.

2 qui facilius, *Avant.* 3 mutabuntur, *Avant.*

I agree with you that no other remedy seems available than to lower the rate of interest and so to facilitate its investment. To what extent this should be done, you must decide according to the number of borrowers. To compel men against their will to borrow money which perhaps they have no means of employing, is inconsistent with the justice of the age we live in.

quantitas usurarum. For quant. a sum of money; cf. *Dig.* 45, 1, 65, 'nam stipulanti denarios eiusdem quantitatis aureos spondendo obligaberis.'

ex copia eorum. Döring thinks it necessary to explain that this cannot mean, 'according to the means of those.'

fortassis. Cf. Hor. *Sat.* i 4, 131; also once or twice in Cicero and the elder Pliny.

non est ex iustitia nostrorum temporum. Cf. *Ep.* 97 *ad fin.*

LVI [LXIII]

Consultatio super restitutione exulis

C. PLINIUS TRAIANO IMPERATORI

1 Summas, domine, gratias ago quod inter maximas occupationes in iis de quibus te consului me quoque regere dignatus
2 es: quod nunc quoque facias rogo. Adiit enim me quidam indicavitque adversarios suos a Servilio Calvo, clarissimo viro, in triennium relegatos in provincia morari: illi contra ab eodem se restitutos adfirmaverunt edictumque recitaverunt. Qua

§ 1. I must express my extreme gratitude, sire, that amid your important engagements, you have deigned to direct me in the matters on which I have consulted you. I hope you will do so once more. § 2. A person came to me, and informed me that certain adversaries of his, though banished for three years by Servilius Calvus, are still in the province. They, on the other hand, affirm that they were recalled by the same proconsul, whose edict on the point they cite. On these grounds I thought it better to refer the whole case to you. § 3. Your instructions were that I should not recall any one banished either by myself or by the proconsuls who preceded me, but the case of those banished and recalled by my predecessors is not touched on. There was therefore no course but to consult you, both about the present point and also about those who, though banished for life, are found in the province. § 4. For instances, even of this, have been brought to my notice. One man was brought before me who had been banished for life by Iulius Bassus. As I knew that the acts of Bassus had been rescinded, and that the senate had allowed all those affected by his decisions to have their cases re-tried within two years, I asked the man whether he had stated his case to the proconsul. He said No. § 5. I am therefore driven to ask you whether he should be sent back to his punishment, or whether some stronger measures, and if so, what, should be taken against him and others in his position. I append the decree of Calvus and his edict, as well as the decree of Bassus.

§ 2. **adversarios suos**, his adversaries in some criminal case.

a Servilio Calvo. P. Servilius Calvus was proconsul of Bithynia between 108 and 110 A.D.

clarissimo viro. This in the second century came to be a sort of official title to men of senatorial position. Cf. Orell. 3115; Mart. ix 94; also Plin. *Ep.* iii 8, 'tribunatum quem a Neratio Marcello, clarissimo viro impetravi tibi'; also ix 13, 'permitto tibi, vir clarissime Veiento.' *Panegyr.* 90, 'pro collega meo Cornuto Tertullo, clarissimo viro'; and *infra, Ep.* 77; Orell. 784; and Henz. 5404.

in triennium relegatos. This was a mild kind of exile introduced by Augustus for unimportant offences. It involved no loss of the civitas and no confiscation of property, and was therefore sharply contrasted with the 'deportatio in insulam' which involved both. Suet. *Aug.* 51, 'alterum levi exilio punire satis habuit'; id. *Calig.* 25; *Claud.* 23, 'ipse quondam novo exemplo relegavit ut ultra lapidem tertium vetaret egredi ab urbe,' 38; *Nero*, 16, 'pantomimorum factiones cum ipsis simul relegatae.' Tac. *Ann.* iii 17, 'M. Piso exuta dignitate . . . in decem annos relegaretur'; vi 49, 'urbe in decem annos prohibita est'; Ovid, *Trist.* v 11, 15, 'Nec vitam nec opes nec ius mihi civis ademit'; and line 21, 'Ipse relegati non exulis utitur in me Nomine.' The grades of relegatio were 'releg. in tempus,' 'relegatio in perpetuum,' and 'relegatio in insulam.' Cf. *Dig.* 48, 22, 4, 'Relegati in insulam in potestate sua liberos retinent: quia et alia omnia iura sua retinent: tantum enim insula eis egredi non licet.' The sentence of relegatio could be pronounced by the emperor, the praefectus urbi, the senate, and the provincial governors. The latter usually banished to the more deserted parts of their province, *Dig.* 48, 22, 7, 10, 'sed et in eas partes provinciae quae sunt desertiores, scio praesides solitos relegare'; 'sed extra provinciam suam potest relegare.' The crimes usually punished by

causa necessarium credidi rem integram ad te referre. Nam 3
sicut mandatis tuis cautum est ne restituam ab alio aut a me relegatos, ita de iis quos alius et relegaverit et restituerit nihil conprehensum est. Ideo tu, domine, consulendus fuisti quid observare me velles, tam Hercule de his quam de illis qui in perpetuum relegati nec restituti in provincia deprehenduntur. Nam haec quoque species incidit in cognitionem meam. Est 4
enim adductus ad me in perpetuum relegatus a Iulio Basso proconsule. Ego, quia sciebam acta Bassi rescissa datumque a senatu ius omnibus de quibus ille aliquid constituisset ex integro agendi, dumtaxat per biennium, interrogavi hunc quem relegaverat an adisset docuissetque proconsulem: negavit. Per 5

3 equos, *Avant.*; quos, *B and Ald.*
5 tam Hercule de his quam de illis, *Ald.* tam Hercule quam de his, *Avant.*
9 dictumque, *Avant.*
12 negavit, *om. B. and Ald. add. Cat.*

relegatio were adulterium, stuprum, calumnia, repetundae, vis, and falsum.' See also *Dig.* 48, 19, 28.

restitutos. Cf. Cic. *pro. Mil.*, 'quae fuisset iusta causa restituendi mei, nisi fuisset iniusta eiciendi.' Suet. *Claud.* 12, 'neminem exulum, nisi ex senatus auctoritate, restituit.'

§ 3. **ab alio,** *i.e.* by one of the proconsuls.

quid observare me velles. Cf. *Ep.* 46, 'quid me putes observare debere.'

tam Hercule de his quam de illis. I have followed the reading of the Aldine edition; which, I have very little doubt, is here correct. The omission of 'de his' would be extremely harsh. Cf. *Ep.* vi 19, 6, 'Proinde si poenitet te Italicorum praediorum, hoc vendendi tempus tam Hercule quam in provinciis comparandi.'

§ 4. **haec quoque species,** a case of this kind.

a Iulio Basso proconsule. C. Iulius Bassus was of noble birth; *Ep.* iv 9, 4, 'ex generis claritate' and of great industry, 'homo laboriosus.' He served as quaestor in Bithynia; iv 9, 1, 'accusatus est sub Vespasiano a privatis duobus, ad senatum remissus diu pependit, tandem absolutus vindicatusque. Titum timuit, ut Domitiani amicus, a Domitiano relegatus est: revocatus a Nerva, sortitusque Bithyniam rediit reus.' He was therefore sent out to Bithynia as proconsul in 98 A.D. He was accused by the provincials of repetundae, and among other points, in which 'quamvis auditu gravioribus non absolutionem modo verum etiam laudem merebatur,' of receiving presents from the provincials. These he asserted he had received merely 'ut amicus,' and only 'natali suo aut Saturnalibus'; but this confession prejudiced his case, 'quod lex munera quoque accipi vetat.' The accusation was apparently brought by the 'concilium provinciae,' which sent over to Rome Theophanes and other legati. Theophanes is described as 'fax accusationis et origo'; he was a factious man to whom Bassus had given some personal offence. Pomponius Rufus and Herennius Pollio and Varenus Rufus were the accusers appointed by the senate; Lucceius Albinus defended. At the end, iv 9, 16, 'Censuit Baebius Macer, consul designatus, lege repetundarum Bassum teneri; Caepio Hispo, salva dignitate, iudices dandos' (see introd. p. 46), 'uterque recte . . . quia scilicet et Macro legem intuenti consentaneum fuit damnare eum qui contra legem munera acceperat, et Caepio, cum putaret licere senatui, sicut licet, et mitigare leges et intendere, non sine ratione veniam dedit facto, vetito quidem non tamen inusitato.' Caepio's proposal was carried, although some objected to it, on the ground that conviction of 'repetundae,' even before the iudices involved degradation from the senate, 'negant enim congruens esse retinere in senatu cui iudices dederis.' The result of the trial before the iudices' was, as we learn from the present letter, that the acts of Bassus in

quod effectum est ut te consulerem reddendum eum poenae suae an gravius aliquid et quid potissimum constituendum putares et in hunc et in eos, si qui forte in simili conditione invenirentur. Decretum Calvi et edictum, item decretum Bassi his litteris subieci.

Bithynia were rescinded. He, however, 'in senatu remansit,' *Ep.* vi 29, 10, and was even promoted to the consulship two years later *i.e.*, in 105 A.D., Henz. 6857.

acti Bassi rescissa. See above.

datumque a senatu ius. This would be in consequence of the decision of the iudices: action was taken by the senate because Bithynia was under senatorial government at the time.

dumtaxat per biennium. See *Ep.* 33, 3.

proconsulem, *i.e.* the proconsul of 99 or 100.

§ 5. **ut te consulerem reddendum.** On the omission of utrum, cf. *Ep.* 32, etc.

decretum, *i.e.* of condemnation.

edictum, of restoration.

his litteris subieci. Cf. *Ep.* 47 and 48.

LVII [LXV]

TRAIANUS PLINIO S.

1 Quid in persona eorum statuendum sit, qui a P. Servilio Calvo proconsule in triennium relegati et mox eiusdem edicto restituti in provincia remanserunt, proxime tibi rescribam, cum
2 causas eius facti a Calvo requisiero. Qui a Iulio Basso in per-

§ 1. What should be done in the matter of those who were banished for three years and then recalled by P. Servilius Calvus, I will inform you shortly, after inquiring from Calvus the reasons for his action. § 2. The person who was banished for life by Iulius, and who, without using his right of appeal within the two years, still remained in the province, must be sent bound to my Praetorian prefects. A mere return to his punishment will not suffice for a case of contumacy.

§ 1. **in persona eorum.** Persona is not here 'a living person' or 'character,' as in Juv. 4, 15, 'cum dira et foedior omni crimine persona est'; still less is it used in the classical sense of a 'part sustained by any one.' It is rather used in the semi-legal sense of 'standing' or 'position.' Cf. Suet. *Aug.* 27, 'namque illis in multorum saepe personam per gratiam et preces exorabilibus, solus magnopere contendit, ne cui parceretur'; and Suet. *Caes.* 43, 'Lecticarum usum . . . nisi certis personis et aetatibus perque certos dies ademit.'

§ 2. **agendi,** *i.e.* ex integro. See *Ep.* 56.

mitti ad praefectos praetorii mei. The praefectii praetorii were appointed by Augustus originally to command the troops stationed in the city in the year 5 B.C. Dio Cass. 55, 10, 'ἐπάρχους τῶν δορυφόρων τό τε πρῶτον Κύιντόν τε Ὀστώριον Σκαπούλαν καὶ Πούπλιον Σαλούιον Ἄπρον ἀπέδειξε.' Till the time of Alexander Severus they were with few exceptions of equestrian rank. Suet. *Tit.* 6, 'praefecturam quoque praetori suscepit numquam ad id tempus nisi ab equite Romano administratam'; also Tac. *Hist.* iv 68. Unlike the other military appointments of the empire, this praefecture was, as a rule, a collegiate one, perhaps for the reason suggested by Maecenas in Dio Cass. 54, 24, 'τό τε γὰρ ἑνὶ ἀνδρὶ αὐτὴν (*i.e.* τὴν φρουρὰν) ἐπιτρέπεσθαι σφαλερόν ἐστι.' Thus, cf. Suet. *Calig.* 56, 'non sine conscientia . . . praefectorum praetorii'; Tac. *Ann.* xii 42, 'ni praetoriarum cohortium cura exsolverentur Lusius Geta et Rufius Crispinus'; Tac. *Ann.* xiv 51, 'quippe Caesar duos praetoriis cohortibus imposuerat'; Tac. *Hist.* i 46, 'praetoriis praefectos sibi ipse legere.' *Hist.* ii 92; iii 5; Henz. 6771. Occasionally, however, there was a single 'praefectus praetorio,' as Seius Strabo. *Ann.* i 7, whose son, Aelius Seianus, was first the colleague of his father, then

petuum relegatus est, cum per biennium agendi facultatem habuerit, si existimabat se iniuria relegatum, neque id fecerit atque in provincia morari perseverarit, vinctus mitti ad praefectos praetorii mei debet. Neque enim sufficit eum poenae suae restitui, quam contumacia elusit.

2 existimat, *Avant. and Ald.* 5 quem, *Avant and Ald.*

sole praefect; Tac. *Ann.* i 24; Macro, Dio Cass. 58, 9, also under Claudius; Tac. *Ann.* xii 42, 'distrahi cohortes ambitu duorum, et si ab uno regerentur intentiorem fore disciplinam'; Tac. *Hist.* i 14, Ducenius Geminus; Suet. *Galb.* 14; Cornelius Laco; Tac. *Hist.* iv 68, Arrecinus Clemens. The collegiate tenure of the office was probably what kept it within due bounds, since after this restraining influence was removed the praefectus praetorio became a sort of grand vizier. During the first two centuries the office was chiefly a military one, nor did the judicial importance of the praefect begin until the reign of Hadrian. On the present occasion the person in question was sent to the praefects, not to be tried by them, but only to be kept in safe custody, till the emperor should himself take the matter into consideration. So the Apostle Paul was kept in Rome by the praetorian guard. *Ep. ad Philip.* i 13, 'ὥστε τοὺς δεσμούς μου φανεροὺς ἐν Χριστῷ γενέσθαι ἐν ὅλῳ τῷ πραιτωρίῳ.' So in a rescript of Alexander, *Cod. Iust.* 4, 65, 4, 'Et Divi Pii et Antonini litteris certa forma est ut domini horreorum effractorum eiusmodi querellas deferentibus custodes exhibere necesse habeant nec ultra periculo subiecti sint. Quod vos quoque adito praeside provinciae impetrabitis. Qui si maiorem animadversionem exigere rem deprehenderit, ad Domitium Ulpianum praefectum praetorio, reos remittere curabit.'

contumacia. Cf. *Dig.* 42, 1, 53, 'contumacia eorum qui ius dicenti non temperant, litis damno coercetur.'

LVIII [LXVI]

De Archippo philosopho

C. PLINIUS TRAIANO IMPERATORI

Cum citarem iudices, domine, conventum inchoaturus 1
Flavius Archippus vacationem petere coepit ut philosophus.

2 vocationem, *Avant.* vacationem, *B. and Ald.*

§ 1. When I was summoning the jurymen, sire, in order to begin the assizes, Flavius Archippus sought exemption on the ground that he was a teacher of philosophy. § 2. It was, however, asserted by some that he ought not so much to be exempted as altogether removed from the 'album iudicum,' and sent back to the punishment from which he had escaped. § 3. A decree of Velius Paullus, the proconsul, was cited, by which Archippus was condemned to the mines. Nor did he produce any proof of restoration. He asserted, however, that this was implied by a petition which he had presented to Domitian, together with the complimentary reply of that emperor, and by a decree of the people of Prusa. He adduced besides a letter written to him by you, and a decree and a letter of your illustrious father, confirming the favours of Domitian. § 4. Accordingly, notwithstanding the nature of the accusation against him, I have taken no step until I could consult you. I append the documents relied on by the two parties.

§ 1. **citarem iudices.** Cf. Cic. *Verr.* ii 1, 7, 19, 'iudices citati in hunc reum consedistis.'

conventum inchoaturus. The word conventus is used not only of the place where the assizes were held, as in Plin. h. n., *passim;* and Juv. viii 128,

2 Fuerunt qui dicerent non liberandum eum iudicandi necessitate,
sed omnino tollendum de iudicum numero reddendumque poe-
3 nae, quam fractis vinculis evasisset. Recitata est sententia
Veli Paulli proconsulis, qua probabatur Archippus crimine
falsi damnatus in metallum: ille nihil proferebat quo restitu-
tum se doceret. Adlegabat tamen pro restitutione et libellum

1 non modo liberandum, *Ald.*

'Nec per conventus et cuncta per oppida,' Suet. *Caes.* 7; but also of the assizes themselves. Cf. Gaius, 1, 20, 'ultimo die conventus'; Cic. *Verr.* 2, 5, 11, 28, 'ex iis oppidis in quibus consistere praetores et conventum agere solent'; Cic. *ad Att.* v 21.

Flavius Archippus. Cf. *Ep.* 81 and 82, where he makes a charge against the rhetorician Cocceianus Dio.

vacationem petere ut philosophus. *Dig.* 50, 4, 18, 30, 'magistris qui civilium munerum vacationem habent, item grammaticis et oratoribus et medicis et philosophis, ne hospitem reciperent a principibus fuisse immunitatem indultam et divus Vespasianus et divus Hadrianus rescripserunt.' But cf. 50, 5, 8, 'Philosophis qui se frequentes atque utiles per eandem studiorum sectam contendentibus praebent, tutelas, item munera sordida corporalia remitti placuit, non ea quae sumptibus expediuntur.

§ 2. **iudicandi necessitate.** Cf. *Dig.* 50, 5, 13, 'qui autem non habet excusationem, etiam invitus iudicare cogitur.'

omnino tollendum de iudicum numero. If, however, he had been restored, his civic position would have been as before. Cf. *Dig.* 50, 3, 3, 'Si in metallum datus in integrum restitutus sit perinde ac si nec damnatus fuisset ad munera vel honores vocatur.' The names of the iudices at Rome, and no doubt in the provincial 'conventus,' were enrolled in the 'album iudicum.' Cf. Cic. *Phil.* v 5; Suet. *Tib.* 51; *Claud.* 16, 'Splendidum virum Graeciaeque provinciae principem, verum Latini sermonis ignarum non modo albo iudicum erasit sed etiam in peregrinitatem redegit'; *Domit.* 8.

fractis vinculis. Cf. *Dig.* 48, 19, 8, quoted on note to *Ep.* 31.

§ 3. **Veli Paulli proconsulis.** Velius Paullus was on the staff of Trajan in the Dacian wars. Cf. Mart. ix 32, 'Dum comes Arctois haereret Caesaris armis, Velius hanc Marti pro duce vovit avem.' Cf. also Mart. v 4 and vii 72.

crimine falsi damnatus in metallum, see on *Ep.* 31, 2. The damnatio in metallum was the severest punishment next to death, and involved 'capitis deminutio maxima.' It was the 'lex Cornelia de falsis' which dealt with this crime.

adlegabat. Cf. Plin. *Panegyr.* 70, 'hoc senatui adlegandum putasti,' and 'Volo ego, qui provinciam rexerit non tantum codicillos amicorum nec urbana coniuratione eblanditas preces sed decreta coloniarum, decreta civitatum adleget'; Suet. *Aug.* 47.

pro restitutione, as an argument for his restoration.

libellum, see on *Ep.* 47, 2.

epistulas eius, *i.e.* to the proconsuls of Bithynia, Terentius Maximus and Appius Maximus.

ad honorem suum pertinentes. Cf. the letter below, 'bonum virum et professioni suae etiam moribus respondentem.'

decretum Prusensium, *i.e.* a decree of the decuriones. The nature of the decree may be inferred from Trajan's answer, *Ep.* 60, 'cum etiam statuarum ei honor totiens decretus sit.' As Mommsen points out, *Rom. Gesch.* v 266, the decreeing of statues and other honorary insignia was one of the chief employments of the local senates, and one of the chief ends of local ambition. Their number made them meaningless, and the statues were often paid for by the persons honoured with them. No town, however small, or ruinous, or deserted, could refrain from its honorary decrees, and its equestrian and other statues. Apart from the question whether Archippus had been restored to his civil rights, the very fact that a man convicted of forgery should have been the recipient of these decrees speaks volumes for their value. Wilm. 961 contains a decree of this sort (somewhat imperfect) of the decuriones of Aquileia in honour of C. Minicius Italus. Cf. also Wilm. 2374a, where 'ordo universus statuas numero quinque de publico

a se Domitiano datum et epistulas eius ad honorem suum pertinentes et decretum Prusensium. Addebat his et tuas litteras scriptas sibi, addebat et patris tui edictum et epistulam, quibus confirmasset beneficia a Domitiano data. Itaque, quamvis 4
eidem talia crimina adplicarentur, nihil decernendum putavi, donec te consulerem de eo quod mihi constitutione tua dignum videbatur. Ea quae sunt utrimque recitata his litteris subieci.

3 sui, *Avant.*

EPISTULA DOMITIANI AD TERENTIUM MAXIMUM.

Flavius Archippus philosophus inpetravit a me ut agrum 5
ei ad c̄ circa Prusiadem, patriam suam, emi iuberem, cuius re-

2 ut agrum ei adderem circ. Prus. patr. suam tam uberem, *Avant.* ut agrum ei DC (ad c̄, B) circ. Prus. patr. suam emi iuberem, *B. and Ald.* Prusiam, *Cat.* Prusiadem, *Cellarius.*

faciendas decrevit' in honour of Annia Aelia Restituta from Calama, in Africa. See the index in Wilm., p. 668, for other examples.

tuas litteras scriptas sibi, probably containing a formal confirmation of Nerva's edict and letter.

patris tui. Cf. *Ep.* 8, 'divus pater tuus,' etc.

quibus confirmasset; subj. because it is still the statement of Archippus which is being quoted.

beneficia a Domitiano data; see below.

§ 4. **crimina adplicarentur**; a curious phrase, of which there is no other example.

constitutione tua. Gaius. 1, 5, 'constitutio principis est quod imperator decreto vel edicto vel epistula constituit: nec unquam dubitatum est quin id legis vicem obtineat, cum ipse imperator per legem imperium accipiat.' But, on the other hand, special or personal decisions were not regarded as precedents. Ulp. *Dig.* 1, 4, 1, 2, 'constitutiones personales . . . ad exemplum non trahuntur: nam quae princeps alicui ob merita indulsit, vel si quam poenam inrogavit vel si cui sine exemplo subvenit, personam non egreditur.' The case of Archippus seems to belong rather to the latter class. Momms. *Staatsrecht.*, ii 840 and 873.

utrimque recitata. The 'sententia Veli Paulli' was of course included, though it has not been preserved.

EPISTULA DOMITIANI AD TERENTIUM MAXIMUM.

Terentius Maximus seems to have been a procurator managing the emperor's domain lands in Bithynia. See on *Ep.* 27.

§ 5. **ut agrum ei ad c̄ . . . emi iuberem.** This is the marginal reading of Iucundus in the Bodleian copy. Avantius has 'ut agrum ei adderem . . . tam uberem,' etc. Aldus, perhaps thinking the sum 100,000 sesterces too small, conjectured DC for ad c̄. But Pliny, we find (*Ep.* vi 3, 1), bought an 'agellus' for his old nurse for 100,000. I therefore restore the Bodleian reading.

circa Prusiadem. This is the conjecture of Cellarius. Catanaeus reads 'Prusiam.' 'Prusiadem,' *i.e.* agrum or regionem, is no doubt right. Archippus was a native of Prusa, and wished to have a farm as near to the territory of Prusa as possible. In this case, however, 'patriam suam' is in loose apposition to 'Prusiadem'; otherwise we must read 'Prusam.'

liberalitati meae. Cf. Tac. *Hist.* i 20, 'bis et vicies milies sestertium donationibus Nero effuderat: appellari singulos iussit, decima parte liberalitatis apud quemque eorum relicta'; Suet. *Tib.* 46, 'unam modo liberalitatem ex indulgentia vitrici prosecutus.' So Suetonius says of Augustus in regard to Horace, 'una et altera liberalitate locupletavit,' *vit. Hor.* Suet. *Claud.* 29, 'revocatas liberalitates eius,' and *Galb.* 15.

ditu suos alere posset. Quod ei praestari volo: summam expensam liberalitati meae feres.

EIUSDEM AD L. APPIUM MAXIMUM

6 Archippum philosophum, bonum virum et professioni suae etiam moribus respondentem, commendatum habeas velim, mi Maxime, et plenam ei humanitatem tuam praestes in iis quae verecunde a te desideraverit.

3 professione, *Ald.*
4 maioribus, *Avant and Ald.* moribus, *Ritterhusius.*

summam expensam feres, more usually 'referes.' The money would come from the fiscus. Why Domitian should have been so generous to Archippus does not appear; but Vespasian established salaried professorships, Suet. *Vesp.* 18, 'primus e fisco Latinis Graecisque rhetoribus annua centena constituit.' He also assisted poets and artists 'praestantes poetas necnon et artifices . . . insigni congiario magnaque mercede donavit.' See also Tac. *de orator.* 9, 'Laudavimus nuper, ut miram et eximiam Vespasiani liberalitatem quod quingenta sestertia Basso donasset. Pulchrum id quidem indulgentiam principis ingenio mereri!' Possibly Domitian, although 'liberalia studia in initio imperii neglexit' (Suet. *Dom.* 20), may have followed this example.

By 'summam expensam liberalitati meae feres,' Domitian means that it is to be put down in the accounts under the head of 'Private Gifts.' Cf. an amusing story in Suet. *Vesp.* 22, 'Expugnatus a quadam quasi amore sui deperiret, quum sestertia quadraginta . . . donasset, admonente dispensatore, quemadmodum summam rationibus vellet inferri "Vespasiano" inquit "adamato."'

EIUSDEM AD L. APPIUM MAXIMUM

§ 6. **L. Appium Maximum**, called Norbanus Appius in Victor. *Epit.* 11, was 'legatus Pannoniae' in 88 A.D., and put down the revolt of Saturninus, legate of Upper Germany, Dio Cass. 67, 11. Cf. Mart. ix 84, 'Cum tua sacrilegos contra, Norbane, furores Staret pro domino Caesare sancta fides.' He was consul twice, Orell. 772, and apparently proconsul of Bithynia under Domitian. See Mommsen's index.

professioni suae. Cf. Cic. *de orat.* i 6, 21, 'professio bene dicendi'; Suet. *Gram.* 8, 'in professione grammaticae.'

moribus is the emendation of Ritterhusius for the 'maioribus' of the prim. ed. Döring adopts the 'sua professione' of the Ald. ed., and reading 'maioribus,' produces the wonderful translation, 'fit for more important duties than those of his profession.' It is needless to say that 'respondentem' could not possibly bear this meaning; and besides, the next clause of the letter shows that Domitian is only recommending Archippus to the 'humanitas' of Maximus in any reasonable requests.

EDICTUM DIVI NERVAE

§ 7. There are some things, Quirites, in which the happiness of the times might well dispense with an edict; nor need a good emperor always give ocular proof of those intentions, which may be sufficiently understood without. My fellow-citizens may, without further assurance, feel convinced that in giving up my own tranquillity for the security of the public, I did so expressly to confer new favours and to maintain those already granted. § 8. However, to prevent any drawback on the public rejoicings being caused either by the diffidence of the recipients or the memory of the donor, I have thought it necessary to remove all doubt. § 9. Let no one think that favours conferred by a former emperor will be revoked by me, in order that I may get the credit of restoring them. They shall remain in full validity, and let no one, to whom the late reign has been propitious, think it necessary to resort to fresh petitions. Let them allow me to devote my time to new favours; and let them ask only for what they do not possess.

EDICTUM DIVI NERVAE

Quaedam sine dubio, Quirites, ipsa felicitas temporum 7
edicit, nec spectandus est in iis bonus princeps quibus illum
intellegi satis est, cum hoc sibi civium meorum spondere pos-
sit vel non admonita persuasio, me securitatem omnium quieti
meae praetulisse, ut et nova beneficia conferrem et ante me
concessa servarem. Ne tamen aliquam gaudiis publicis adferat 8
haesitationem vel eorum qui inpetraverunt diffidentia vel eius
memoria qui praestitit, necessarium pariter credidi ac laetum
obviam dubitantibus indulgentiam meam mittere. Nolo existi- 9
met quisquam, quod alio principe vel privatim vel publice con-

2 quibus illum intellegi satis est, *Ber.* intellegis, *Avant.* qui pusillum intellegi satis est, *Ald.*
3 cum hoc sibi quisque civium meorum spond. posse, me secur. omn. quieti m. praet. vel libenter nova beneficia conferre et ante me concessa servare dum ne tamen, *Ald.*
5 tu tot, *Avant.* ut et, *B.*

§ 7. **edictum.** The imperial edicts are general proclamations affecting a number of individuals. The right of issuing them descended to the princeps from the magisterial edict of republican times. They did not necessarily contain a definite command, often a mere communication, or exhortation, or advice. Cf. an edictum divi Augusti in *Dig.* 48, 18, 8, 'Quaestiones neque semper in omni causa et persona desiderari debere arbitror, et cum capitalia et atrociosa maleficia non aliter explorari et investigari possunt quam per servorum quaestiones, efficacissimas eas esse ad requirendam veritatem existimo et habendas censeo.' Personal rights granted to certain categories of people were usually granted by edict; cf. C. I. L. v 5050, and the conferment of the ius Latii on the Spaniards. The edicts could always be revoked by the issuers, and became *ipso facto* invalid on the death of the emperor. It came to be the rule after Titus for a new emperor to confirm the beneficia of his predecessor by edict. Cf. Suet. *Tit.* 8, 'natura autem benevolentissimus, quum ex instituto Tiberii omnes dehinc Caesares beneficia, a superioribus concessa principibus, aliter rata non haberent, quam si eadem iidem et ipsi dedissent, primus praeterita omnia uno confirmavit edicto, nec a se peti passus est.' Cf. Dio Cass. 67, 2; and see Momms. *Staatsrecht*, ii. 1072.

ipsa felicitas temporum. Cf. Tac. *Hist.* i 1, 'quod si vita suppeditet, principatum divi Nervae et imperium Traiani uberiorem securioremque materiam senectuti seposui, rara temporum felicitate ubi sentire quae velis et quae sentias dicere licet'; and *Agric.* 3, 'et quanquam primo statim beatissimi saeculi ortu Caesar res olim dissociabiles miscuerit, libertatem ac principatum,' etc.

edicit, issues an unwritten edict.

spectandus est, 'to be scanned with the eyes,' in sharp contrast with 'intellegi.' Nerva means that a definite edict should be rendered unnecessary by the general knowledge of his character and motives.

vel non admonita, even without the reminder of an edict.

§ 8. **eius memoria qui praestitit.** Cf. Suet. *Domit.* 23, 'Contra senatus adeo laetatus est ut repleta certatim curia non temperaret quin mortuum contumeliosissimo atque acerbissimo acclamationum genere laceraret; scalas etiam inferri, clipeosque et imagines eius coram detrahi et ibidem solo affligi iuberet: novissime eradendos ubique titulos, abolendamque omnem memoriam decerneret.' On the 'damnatio memoriae' see Momms. *Staatsrecht*, ii 1078.

obviam dubit. indulg. meam mittere, 'to meet their hesitation by a proof of my special favour.'

§ 9. **ideo saltem.** This qualification

secutus *sit*, ideo saltem a me rescindi, ut potius mihi debeat. Sint rata et certa, nec gratulatio ullius instauratis egeat precibus quem fortuna imperii vultu meliore respexit. Me novis beneficiis vacare patiantur et ea demum sciant roganda esse quae non habent.

EPISTULA EIUSDEM AD TULLIUM IUSTUM

Cum rerum omnium ordinatio quae prioribus temporibus inchoatae consummatae sunt observanda sit, tum epistulis etiam Domitiani standum est.

2 sint rata et certa, *Ber.* si ingrata et certa, *Avant.* sint si rata, etc., *B.* si enim grata, etc., *Ald.*

3 precibus nec qui non habent, me quem fortuna imperii vultu meliore respexit novis, *Ald.*

enables Nerva to rescind whatever there seems good reason for rescinding.

ut potius mihi debeat, that I may have all indebted to me alone.

gratulatio, joy.

fortuna imperii, means little more than 'fortuna'; but from an emperor's point of view the chief function of fortuna was to protect the empire.

vultu meliore respexit. Cf. Juv. vii 2, 'Solus enim tristes hac tempestate Camenas Respexit.'

demum, only; on this sense of the word, cf. note on *Ep.* 22.

The style of this edict is pompous, grandiloquent, and obscure—a striking contrast to the business-like edict of Augustus quoted above. It hardly gives us a favourable idea of Nerva's qualifications for his position.

EPISTULA EIUSDEM AD TULLIUM IUSTUM.

§ 10. **epistulis Domitiani standum est.** Cf. Cic. *pro Cluent.* 47 132, 'si usque L. Gellii iudicio stetit Lentulus;' Liv. xxi 19, 'etsi priore foedere staretur.'

LVIIII [LXVII]

De eodem Archippo

C. PLINIUS TRAIANO IMPERATORI

Flavius Archippus per salutem tuam aeternitatemque petit a me ut libellum quem mihi dedit mitterem tibi. Quod ego sic roganti praestandum putavi, ita tamen ut missurum me notum accusatrici eius facerem, a qua et ipsa acceptum libellum his epistulis iunxi, quo facilius velut audita utraque parte dispiceres quid statuendum putares.

Flavius Archippus adjures me by your safety and immortal name to forward a petition which he has placed in my hands. I thought that I might grant his request on condition that I informed his accuser of my intention. I add a memorial which I received from her, that, after hearing both sides, you may decide what is to be done.

per salutem aeternitatemque. Cf. on *Ep.* 41.

sic roganti, asking in this solemn manner.

accusatrici eius. Furia Prima, see below.

dispiceres. Cf. 'dispice ergo, domine,' *Ep.* 54, etc.

LX [LXVIII]

TRAIANUS PLINIO S.

Potuit quidem ignorasse Domitianus in quo statu esset Archippus, cum tam multa ad honorem eius pertinentia scriberet: sed meae naturae accommodatius est credere etiam statui eius subventum interventu principis, praesertim cum etiam statuarum ei honor totiens decretus sit ab iis qui non ignorabant quid de illo Paullus proconsul pronuntiasset. Quae tamen, mi Secunde carissime, non eo pertinent ut, si quid illi novi criminis obicitur, minus de eo audiendum putes. Libellos Furiae Primae accusatricis, item ipsius Archippi, quos alteri epistulae tuae iunxeras, legi.

5 non, add. *Ernesti*, om. *Avant. and Ald.*

It is possible that Domitian may have been ignorant of the status of Archippus when he wrote letters so complimentary. It is, however, more consonant with my character to believe that the latter was restored to his former position by the emperor's intervention. This seems the more probable because he so often received the honour of statues decreed to him by those who were not in ignorance of the sentence of Paullus. Notwithstanding this, however, my Pliny, if any new charge is made against him, you must attend to it. I have read the memorials of Furia Prima and Archippus himself, which you sent with your second letter.

in quo statu esset; Gaius, *Dig.* 4, 5, 1, 'capitis minutio est status permutatio.' If Domitian had written the letters in ignorance of the position of Archippus, they would of course be valueless as evidence of restoration.

interventu principis. There was no appeal to the emperor from the judicial decisions of the provincial governors, Mommsen, *Staatsrecht*, ii p. 931, but the emperor could always modify or annul a sentence so pronounced if he chose.

statuarum . . . honor . . . decretus. See on *Ep.* 58, 3.

qui non ignorabant. In spite of the consensus of the older editions, it seems necessary to adopt Ernesti's emendation and to insert 'non.' The decrees alluded to are evidently those of the Prusiensians, who could not have been ignorant of the sentence pronounced against their fellow-citizen by the proconsul.

pronuntiasset. Cf. Cic. *de Off.* iii 16, 66, 'is igitur iudex ita pronuntiavit,' Cic. *de Fin.* i 7, 24, 'ut . . . re ex utraque parte audita pronuntiaret.'

quae, which considerations.

non eo pertinent ut minus almost = non prohibent quo minus.

LXI [LXVIIII]

De lacu Nicomedensium

C. PLINIUS TRAIANO IMPERATORI

1 Tu quidem, domine, providentissime vereris ne commissus flumini atque ita mari lacus effluat: sed ego in re praesenti

2 praestanti, *Avant.*

§ 1. You express some anxiety, sire, lest the lake should be exhausted by being connected with the river and so with the sea, but I believe I have found a means

invenisse videor quemadmodum huic periculo occurrerem.
2 Potest enim lacus fossa usque ad flumen adduci nec tamen in flumen emitti, sed relicto quasi margine contineri pariter et dirimi. Sic consequemur ut nec vicino videatur flumini mixtus et sit perinde ac si misceatur. Erit enim facile per illam brevissimam terram quae interiacebit advecta fossa onera
3 transponere in flumen. Quod ita fiet, si necessitas coget, et, spero, non coget. Est enim et lacus ipse satis altus et nunc in contrariam partem flumen emittit, quod interclusum inde et quo volumus aversum sine ullo detrimento lacus tantum aquae quantum nunc portat effundet. Praeterea per id spatium per

1 cuniculo, *Avant.*
4 sic, *Cat.*; si, *Avant. and Ald.*
vicino, *Cat.*
vacuo, *Avant. and Ald.*
vacuari, *Keil.*
10 ullius, *Avant. and Ald.*
11 effundit, *Avant.*

of obviating this risk. § 2. For the lake may be brought close to the river, without actually joining it, in which case it would be easy to transport goods across from one to the other. § 3. But I hope there will be no necessity for this, for the lake is sufficiently deep, and as it is, has a river flowing out of it on its other side. This we can dam up and divert in any direction we please, so that the lake will still send out precisely as much water as it does now. Besides, there are a number of streams along the course of the proposed canal, and if the water from these is collected, it will quite make up for what the lake loses. § 4. Or if it should seem advisable to make the canal longer and narrower and to connect it immediately with the sea, the flow of the tide will check the drain of water from the lake. But even if there were no such natural checks, it would be easy to replace them by dams and weirs. § 5. However, your librator will be better able to decide these points. Pray do not forget your promise to send one. The work is quite worthy your attention. Meanwhile I have written to Calpurnius Macer for a librator from Moesia.

§ 1. **vereris ne commissus flumini,** etc. Cf. *Ep.* 42. The river alluded to seems to be a small stream rising in the hills to the north of Nicaea, and flowing up in a north-west direction to the Gulf of Nicomedeia.

in re praesenti, 'being on the spot.' Cf. *Ep.* iii 9, 26, 'non potui magis te in rem praesentem perducere.' Sen. *Ep.* 6, 5, 'in rem praesentem venias oportet, quia homines amplius oculis quam auribus credunt'; Liv. xl 9, 'eodem anno inter populum Carthaginiensem et regem Massinissam in re praesenti disceptatores Romani de agro fuerunt.' See Prof. Mayor's note on iii 9, 26.

occurrerem. Occurrerem is to occurram here as the optative to the subjunctive in Greek. There is a greater remoteness and contingency; Pliny does not expect that it will be necessary to take this course.

§ 2. **nec tamen in flumen emitti,** without its water passing into the river.

quasi margine, a sort of dyke.

contineri, with reference to its own water.

dirimi, with reference to the river.

sic consequemur, so we shall gain these two ends.

et sit perinde ac si misceatur, and shall be virtually united to it; or shall have all the effects of being united to it.

illam brevissimam terram = the 'quasi marginem' above.

§ 3. **satis altus,** tolerably deep. The question 'sit ne lacus altior mari, *Ep.* 41, would not be finally decided till the 'librator' arrived.

in contrariam partem flumen emittit. This is a small stream which flows eastward from the lake into the river Sangarius.

interclusum inde, dammed up on that side, *i.e.* 'in contrariam partem.

quo volumus aversum, diverted to whatever outlet we like. Pliny speaks as if by blocking up the river and opening a canal on the other side of the lake he

quod fossa facienda est incidunt rivi ; qui si diligenter colligantur,
augebunt illud quod lacus dederit. Enimvero si placeat fossam 4
longius ducere et artius pressam mari aequare nec in flumen sed
in ipsum mare emittere, repercussus maris servabit et reprimet,
quidquid e lacu veniet. Quorum si nihil nobis loci natura prae-
staret, expeditum tamen erat cataractis aquae cursum temperare.
Verum et haec et alia multo sagacius conquiret explorabitque 5
librator, quem plane, domine, debes mittere, ut polliceris. Est
enim res digna et magnitudine tua et cura. Ego interim Cal-
purnio Macro, clarissimo viro, auctore te, scripsi ut libratorem
quam maxime idoneum mitteret.

1 fienda, *Avant.*

would be diverting the river from one channel to another.

quod . . . effundet, by making quod subject to effundet, Pliny virtually identifies the river with his projected canal. We should have expected quo intercluso et quo volumus averso, . . . tantum aquae . . . effundetur. Pliny, however, is so anxious to show that as far as the drain of water is concerned, there will be no difference caused, that he speaks of his canal as merely the river in a new bed.

tantum aquae, only just as much water.

per id spatium per quod f. f. est incidunt rivi. The country south of Nicomedeia, as far as the hills which bound Nicaea to the north, is low-lying, and drained by numerous rills; 'incidunt' is rather used by Pliny in anticipation of the canal not yet made. We should have expected 'decidunt.'

augebunt illud quod lacus dederit, will be an addition to the water supplied by the lake, and so by implication will reduce the amount taken from the lake.

§ 4. **fossam . . . artius pressam**, cut more narrowly, *i.e.* to minimise the quantity of water contained by its greater length. Cf. Verg. *Aen.* x 296, 'sulcum premere,' Front. *Strat.* 1, 5, 'fossam transversam inter montes pressit.' Tac. *Ann.* xv 42, 'navigabilem fossam usque ad ostia Tiberina depressuros.'

mari aequare, to bring down to the level of the sea.

repercussus, the counter pressure.

si nihil praestaret . . . expeditum erat. See Roby *Lat. Gram.* § 1566, 'with apodosis in some part of infinite verb . . . the verb on which the inf. depends, or the auxiliary verb with the gerundive or participle is usually put in the indic. . . . and conveys a positive expression of duty, possibility, right, etc.' and exx. cited, cf. Liv. xlii 34, 'si mihi nec stipendia omnia emerito essent, necdum aetas vacationem daret, tamen aequum erat me dimitti.'

cataractis, used in the sense of 'water-sluices'; only here and in one passage of Rutilius Namatianus.'

plane, assuredly. Cf. Cic. *ad Att.* ii 24, 5, 'eo acrius te rogo ut plane ad nos advoles.'

§ 5. **res digna et magnitudine tua et cura.** Cf. *Ep.* 41, 'opera non minus aeternitate tua quam gloria digna.'

Calpurnio Macro, see on *Ep.* 42.

clarissimo viro, see on *Ep.* 56.

auctore te, 'poteris a Calpurnio Macro petere libratorem,' *Ep.* 42.

LXII [LXX]

TRAIANUS PLINIO S.

Manifestum est, mi Secunde carissime, nec prudentiam nec diligentiam tibi defuisse circa istum lacum, cum tam multa

It is clear, my dear Pliny, that you are doing all that prudence and diligence can do to avert any danger of draining the lake away, and at the same time to

provisa habeas, per quae nec periclitetur exhauriri et magis in usus nobis futurus sit. Elige igitur id quod praecipue res ipsa suaserit. Calpurnium Macrum credo facturum ut te libratore instruat, neque provinciae istae his artificibus carent.

1 habeat, *Ald.* 2 elige, *B.*, elice, *Avant.* and *Ald.*

increase its usefulness. Take whatever course seems advisable. Calpurnius Macer will no doubt do his best to send you a librator, and there is no lack of such experts in the provinces adjoining yours.

provisa habeas, see Roby, *Lat. Gram.* § 1402 ; Caes. *Bell. Gall.* vii 54, 'multis iam rebus perfidiam Haeduorum perspectam habebat.' Cic. *Div.* ii 28, 'illud exploratum habeto.'

periclitetur exhauriri. For this post-Augustan construction of periclitor cf. Petron. 740, 'periclitabatur totam paene tragoediam evertere.'

elige. As Gesner remarks, the reading of the prima editio—elice—is here *ἀπροσδιόνυσον*.

provinciae istae. This may possibly refer to Upper and Lower Moesia, or it may refer to Bithynia and Pontus and the other provinces in that part of Asia Minor ; in any case 'istae' means 'those near you.' Probably the former is right. 'Macer will do his best to send you one and will no doubt succeed as the Danube provinces near you, etc.

LXIII [XIII]

De tabellario regis Sauromatae

C. PLINIUS TRAIANO IMPERATORI

Scripsit mihi, domine, Lycormas libertus tuus, ut, si qua legatio a Bosporo venisset urbem petitura, usque in adventum suum retineretur. Et legatio quidem, dumtaxat in eam civita-

Lycormas, your freedman, has written to me that I should detain till his arrival any embassy on its way from the Bosporus to Rome. No embassy has come yet, at least not to the town in which I am at present, but a courier from King Sauromates has come, whom I have sent on with the courier who brought Lycormas' message. By this means you will be able to learn from the despatches of Lycormas and the king's letter matters which are, perhaps, important.

libertus tuus. Cf. *Ep.* 27, 'Maximus libertus et procurator tuus.' Lycormas was either (1) one of the procuratores of the emperor's domains, just sent from Rome, with orders to transmit this message to Pliny; or (2) he was one of the clerks of the emperor's secretary, ab epistulis ; or (3) he was a freedman sent out on a special mission, as we find that Domitian sent a freedman to Agricola in Britain ; Tac. *Agric.* 40, 'Credidere plerique libertum ex secretioribus ministeriis missum ad Agricolam codicillos quibus ei Syria dabatur tulisse.' On Trajan's treatment of liberti generally, see *Panegyr.* 88, 'scis enim praecipuum esse indicium non magni principis magnos libertos.'

a Bosporo. The Cimmerian Bosporus was the strait connecting the Euxine with the Lacus Moeotis, and formed with the river Tanais the eastern boundary of Europe. On the European side of this, the town of Panticapaeum, or Bosporus, was founded by the Milesians, which in the time of the Persian wars formed an independent state, half-Greek, half-barbarian. It continued to be governed by kings, many of whom were named Sparkotas, and Pairisides, till Pairisides III (?) in 110 B.C., handed over his kingdom, endangered by the Scythian and Sarmatian tribes, to Mithridates of Pontus. See Imhoof-Blumer, *Porträt-köpfe auf Antiker Munzer Hellenischer Völker*,

tem in qua ipse sum, nulla adhuc venit, sed venit tabellarius Sauromatae, quem ego, usus opportunitate quam mihi casus obtulerat, cum tabellario qui Lycormam ex itinere praecessit

1 veniet, *Avant. and Ald.* Sauromata quem ego, *Ald.*
2 Sauromata cuius ego, *Avant.* Sauromatae quem ego, *Schaeffer.*

p. 36. The favourable position of the town, the excellent fisheries, and the corn-producing qualities of the neighbouring regions made the Bosporus kingdom important, and especially so to the Athenians; Strabo, vii p. 311; Demosth. *in Lept.* 466. After the fall of Mithridates and the civil war between Caesar and Pompeius, a period of unsettlement followed in the kingdom; and though Augustus conferred the kingdom on Polemon of Pontus, his early death and the foolish attempt of Caligula to put a child upon the throne prevented a permanent settlement till Claudius made Mithridates king, a descendant of Mithridates Eupator, and so of the family of the Achaemenidae (Tac. *Ann.* xii 18); and in his family it remained to the end, though the kings frequently intermarried with Thracian and Sarmatian tribes. From the time of Augustus the kings of Bosporus became and remained clients of Rome. While the other client kingdoms of Thrace, Mauretania, Cappadocia, Commagene, Arabia, one by one were incorporated with the empire, the Bosporan kingdom alone remained. Its commercial importance was great; it formed the medium of an important trade in skins, mineral wealth, salt, timber, slaves, and, above all, corn, which the barbarian tribes around brought to the Greek seaport towns to be transported into the empire. But while the towns of Olbia and Tyra, though nominally protected by Rome, were left to their own government, and were almost helpless before the barbarians around, depending on occasional help sent from the Moesian legions, Bosporus, as more distant and more imimportant, was entrusted to a line of military kings, whose special duty it was to maintain an efficient army raised in their own territory. They were probably in a continual state of border warfare against the neighbouring Sarmatian tribes, and they had also to put down the piracy prevalent in the Euxine. In these duties the kings were helped by small permanent detachments from the Moesian legions, and by contingents from the Pontic fleet. We must not be misled by the term kingdom applied to their territory and βασιλεύς applied to themselves. The kingdom was little more than the town of Bosporus or Panticapaeum, with the addition of Theudosia on the Tauric Chersonese, and the port of Phanagoria, on the Asiatic side of the strait. The territory round was occupied by half-civilised chieftains of barbarians to whom a sort of black-mail was usually paid, and who in their turn kept off the purely barbarian tribes beyond. Nor were the kings themselves, in spite of their Persian court-ceremonial, and title of βασιλεὺς βασιλέων μέγας τοῦ παντὸς Βοσπόρου, anything more, apart from their military functions, than the burgomasters of Athens. However, the client-relationship successfully answered its purpose. On only one occasion was a Roman army obliged to march against a king of Bosporus, and even in the disturbed times of the third century, when Tyra and Olbia were permanently lost, this client-kingdom not only survived, but, as we know from its coins, religiously supported the emperor, whom the senate of Rome officially acknowledged. Not till after the centre of the empire was shifted to Constantinople was Bosporus finally incorporated in the empire. See Momms. *Rom. Gesch.* v p. 286-294; Marquadt, *Staatsverw*, i p. 306; Tac. *Ann.* xii 15, 21; and Imhoof-Blumer, *ad loc. cit.*

legatio a Bosporo. Wilmann has a funeral inscription to a legatus Phanegoritum; and to an interpres Sarmatarum, 535, 'ΗΔΥΚΟC ΕΥΟΔΟΥ ΠΡΕCΒΕΥΤΗC ΦΑΝΑΓΟΡΕΙΤΩΝ ΤΩΝ ΚΑΤΑ ΒΟCΠΟΡΟΝ. ΑCΠΟΥΡΓΟC ΒΙΟΜΑCΟΥ ΥΙΟC ΕΡΜΗΝΕΥC CΑΡΜΑΤΩΝ ΒΟCΠΟΡΑΝΟC.

dumtaxat in eam civitatem. The civitas was Nicaea, as appears from *Ep.* 67, legato Sauromatae regis, cum sua sponte Nicaeae, ubi me invenerat, biduo substitisset.' On dumtaxat cf. on *Ep.* 33. In this restrictive sense of 'at least' it is frequently used by Cicero; see *ad. Att.* v 10, 5, 'valde me Athenae delectarunt: urbs dumtaxat et urbis ornamentum.' Suet. *Tib.* 66, 'non tantum virtutes cuius-

mittendum putavi, ut posses ex Lycormae et ex regis epistulis pariter cognoscere quae fortasse pariter scire deberes.

1 possis, *Avant and Ald.*

que digne prosecutus, sed vitia quoque et debita, dumtaxat modica, perpessus.'

tabellarius Sauromatae. Döring, and apparently all previous editors and translators have supposed this to mean 'a courier from the king of the Sauromatae'; a rendering no doubt countenanced by the reading of Avantius and Aldus 'tabellarius Sauromata.' The former read 'tabell. Sauromata cuius ego,' which Schaeffer has rightly emended into 'Sauromatae regis quem,' but without seeing the real meaning. In the first place, Sauromatae or Sarmatae (cf. Plin. h. n. iv 12, 'Sarmatae, Graecis Sauromatae) was the name given to all the tribes inhabiting the northern shores of the Euxine, and was applied to the Iazyges in the valley of the Theiss; cf. Tac. *Hist.* i 2; iii 24; iv 54: 'vulgato rumore a Sarmatis Dacisque Moesica ac Pannonica hiberna circumsederi.' So Plin. h. n. vi 7, 'Sarmatae . . . ipsi in multa genera divisi,' and he gives the names of a number of tribes. Accordingly there could be no rex Sarmatarum in any real sense. In the second place, even if we take the phrase to mean one of the kings of the Sarmatae, there are two difficulties in the way—(1) so vague a phrase would have conveyed no information to Trajan, and (2) all intercourse with the barbarian tribes was carried on through the kings of the Bosporus, and not immediately. Nor could any matters of importance be the subject of a 'legatio' between a barbarian tribe and the Roman emperor. In reality, Sauromates is the name of the Bosporan king. Not only did these kings intermarry with Thracian families, and so bear such names as Kotys and Rhascuporis (Tac. *Ann.* xii 18, etc.), but also apparently with Sarmatian families. After the close of the first century Sauromates becomes a not uncommon name among the kings of this line. We know from coins that one king of this name reigned from 92 or 93 A.D. till 124 A.D., and is therefore the Sauromates here mentioned by Pliny. See Imhoof-Blumer, p. 37, who mentions coins with the legend, 'TIBHPIOC IOVLIOC BACIΛEVC CAVPOMATHC.' See also Wilm. 2689, 'Regem Ti. Iul. Sauromaten amicum imp. populi q. r. praestantissimum; C. I. Gr. 2123, '*βασιλέα βασιλέων μέγαν τοῦ παντὸς βοσπόρου Τιβέριον Ἰούλιον Σαυρομάτην υἱὸν βασιλέως Ῥησκουπόριδος φιλοκαισαρα καὶ φιλορώμαιον εὐσεβῆ.*'

tabellario qui Lycormam praecessit, *i.e.* the courier who brought the letter of Lycormas to Pliny.

quae fortasse pariter scire deberes, matters which perhaps you ought to learn simultaneously. That there might be important news from the king of the Bosporus about the movements of barbarian tribes we can well understand.

LXIIII [XIII]

Diploma commodasse

C. PLINIUS TRAIANO IMPERATORI

Rex Sauromates scripsit mihi esse quaedam quae deberes quam maturissime scire. Qua ex causa festinationem tabellarii quem ad te cum epistulis misit diplomate adiuvi.

King Sauromates has written to me that there are certain matters which you ought to know at once. I have therefore promoted the speed of the courier whom I sent on to you by giving him a diploma for the postal service.

scripsit mihi. There were altogether three despatches from Sauromates—(1) the tabellarius whom already Pliny had sent on, and now assists with a diploma; (2) a letter to Pliny mentioning that the first tabellarius had important news; (3) the legatus Sauromatae regis in *Ep.* 67.

cum epistulis. Cf. *Ep.* 63, 'ex regis epistulis.'

diplomate adiuvi. See note on *Ep.* 45. Gierig thinks that this letter should belong to the previous one. It was more likely a postscript, sent off however by a later tabellarius.

LXV [LXXI]

De adsertione ingenuorum qui servi educati sunt

C. PLINIUS TRAIANO IMPERATORI

Magna, domine, et ad totam provinciam pertinens quaestio 1
est de conditione et alimentis eorum quos vocant θρεπτούς.
In qua ego auditis constitutionibus principum, quia nihil inve- 2
niebam aut proprium aut universale quod ad Bithynos referretur, consulendum te existimavi quid observari velles. Neque enim putavi posse me in eo quod auctoritatem tuam posceret exemplo esse contentum. Recitabatur autem apud me edictum 3

2 *θρεπτούς*, *B. and Ald.*; om. *Avant.* *ἐκθετούς*, *Cat.* 4 referretur, *Keil.* ferretur, *Avant.*, feratur, *Ald.* 7 exemplo, *B.*, exemplum, *Avant.*

§ 1. There is an important question, sire, and one which concerns the whole province, as to the condition and alimentation of the so-called *θρεπτοί*. § 2. Among the constitutions of your predecessors I can find nothing referring to Bithynia, and therefore I have thought it best to consult you, as in a matter so important it seems hardly right to be content with precedents. § 3. Several edicts and letters are cited, of Augustus, Vespasian, Titus, and Domitian. These I have not sent, as the copies are not complete and of doubtful authenticity, and I felt sure that you have among your papers genuine and correct ones.

§ 1. **de conditione et alimentis**, *i.e.* whether they were legally slaves, and whether, if not, those who had reared them could claim compensation for their bringing up.

quos vocant θρεπτούς. The word is explained in Trajan's answer, 'eos qui liberi nati expositi, deinde sublati a quibusdam et in servitute educati.' *θρεπτούς* is the reading of the Aldine ed. Avantius omitted it in a lacuna, and Catanaeus read *ἐκθετούς*, which, however, does not fully correspond with Trajan's definition.

§ 2. **constitutionibus principum.** See on *Ep.* 58, 4.

proprium aut universale, either settling a particular case or giving a general rule. The former would be given in an epistle, the latter in an edict.

quod auctoritatem tuam posceret, which needs your authoritative decision.

exemplo, with precedent, *i.e.* with the ordinary local custom of the province apart from an imperial rescript, which might either confirm or alter this. The reading 'exemplis' by 'mere copies of former edicts,' etc., as Gierig takes it, in no way suits the sense of the passage.

§ 3. **edictum quod dicebatur divi Augusti.** Pliny mentions two of his edicts relating to Bithynia, *Ep.* 79 and 84.

ad Asiam pertinens. I have ventured here to insert in the text a conjecture of my own. The reading of all the editions is **ad Anniam pertinens**, which it seems to me cannot possibly be right; for (1) an edict always concerned a class of people, and not an individual, see note on *Ep.* 58; and (2) even if it related to an individual, this Annia belonged to some other province not defined, and therefore would certainly not have been spoken of by her gentile name in this vague way. We know that Augustus spent some time in Asia settling the affairs of the province, and he may well have issued an edict relating to these *θρεπτοί*. Cf. Dio Cass. 54, 7, '*καὶ ἐς τὴν Ἀσίαν κομισθεὶς πάντα τά τε ἐκεῖ καὶ τὰ ἐν τῇ βιθυνίᾳ διέταξεν.*

epistulae divi Vespasiani ad Lacedaemonios. Bruns Fontes, *Iur. Rom. Antiq.* p. 193, gives an example of such a letter, viz. 'Epistula Vespasiani ad Saborenses.' It begins 'Imp. Caes. Vespasianus Aug. pontifex maximus, tribuniciae potestatis viiii., imp. xix, consul viii, p. p. salutem dicit iiii viris et decurio-

quod dicebatur divi Augusti, ad Asiam pertinens: recitatae et epistulae divi Vespasiani ad Lacedaemonios et divi Titi ad eosdem (et Achaeos), et Domitiani ad Avidium Nigrinum et Armenium Brocchum proconsules, item ad Lacedaemonios: quae ideo tibi non misi, quia et parum emendata et quaedam non certae fidei videbantur et quia vera et emendata in scriniis tuis esse credebam.

1 Anniam, *Avant. and Ald. and Cat.* ad eosdem Acheos, *Avant.*
3 eosdem et Achaeos, *Budaeus and B.* ad eosdem dein ad Achaeos, *Ald.*
5 parum emendata, *Budaeus.* parum emendatae, *Avant and Ald.*

nibus Saborensium.' It was the duty of the Duoviri to have such letters and edicts engraved on brass. 'II viri C. Cornelius Severus et M. Septimius Severus publica pecunia in aere inciderunt.'

ad eosdem (et Achaeos). This is the reading of B. and Budaeus, and therefore seems to be the reading of the codex. I cannot help suspecting, however, that Achaeos was originally a gloss, and that the original reading was simply 'ad eosdem,' because though emperors often addressed epistulae to towns represented by their magistrates, they would never write direct to the people of a province like Achaia. In such cases the letters would certainly be 'ad proconsulem Achaiae.'

ad Avidium Nigrinum et Arm. Brocch. proconsules. These were probably proconsuls of Achaia. The name of their province could only be omitted (1) if it was Bithynia (cf. *Ep.* 56 and 58), which is impossible; or (2) if it was the same province to which the recipients of the other letters, *i.e.* the Lacedaemonii, belonged. Avidius Nigrinus seems to have been sent by Trajan on a special mission to Achaia with the title of 'legatus Augusti pro. pr.,' to reform the general condition of the province. See Wilm. 874; C. I. L. iii 567, and Mommsen's notes *ad loc.* Whether Trajan chose him because he had already been proconsul of the province, as Pliny was chosen for Bithynia, because he had some special knowledge of it, is quite uncertain.

item ad Lacedaemonios. The question seems to have had either special importance or special difficulties in Sparta; perhaps the traditions of this ancient discipline made the exposure of small or ailing children more common than elsewhere.

parum emendata, somewhat incorrect, *i.e.* carelessly copied.

quaedam non certae fidei, of doubtful authenticity, *i.e.* there was suspicion that the copies were intentionally incorrect.

in scriniis tuis. Scrinia are properly cases for papers or books. Cf. Plin. *Ep.* v 5, 'habere ante se scrinium solebat.' So Suetonius, *Gram.* 9, says that there was a statue of Orbilius at Beneventum 'appositis duobus scriniis.' Mart. i 3, 'scrinia da magnis, me manus una capit.' Sall. *Cat.* 46, 'Flaccum praetorem scrinium cum litteris quas a legatis acceperat, eodem adferre iubet.' Under the empire, the scrinia, or later, the 'sacra scrinia,' *Cod. Iust.* xii 9, were the official bureaux where the public archives were kept. After Diocletian there were four of these: scr. memoriae; scr. epistularum; scr. libellorum; and scr. dispositionis, each with their own magister, and all under the 'magister officiorum.'

LXVI [LXXII]

TRAIANUS PLINIO S.

1 Quaestio ista quae pertinet ad eos qui liberi nati expositi, deinde sublati a quibusdam et in servitute educati sunt saepe

§ 1. The question relating to free-born persons who have been exposed, and then brought up in slavery by their rescuers has been often raised, but no

tractata est, nec quicquam invenitur in commentariis eorum principum qui ante me fuerunt, quod ad omnes provincias sit constitutum. Epistulae sane sunt Domitiani ad Avidium Nigri- 2
num et Armenium Brocchum, quae fortasse debeant observari :

4 debebant, *Ald.*

decision of my predecessors is found which was intended to apply to all provinces. § 2. Possibly the letters of Domitian to Nigrinus and Brocchus ought to be observed, but among the provinces mentioned in these rescripts Bithynia is not included. I am therefore of opinion that those who wish to be emancipated on this account should not be prevented from making a public declaration of their freedom, and that it is not necessary for them to purchase their freedom by the repayment of their maintenance.

§ 1. **in commentariis.** See note on *Ep.* 105.

quod ad omnes provincias sit constitutum. Wherever the local custom was clear and well defined, it would be recognised and sanctioned by imperial constitution, but in Bithynia, where neither local custom nor imperial rescript could be cited, Trajan could make his decision unhampered.

§ 2. **Epistulae sane sunt Domit.** etc. Trajan mentions those particularly because, though they were not written in reference to all provinces, yet they, unlike the other letters to a particular town, did apply to the whole of some one province, apparently indeed to more than one.

sed intra eas provincias de quibus rescripsit. I have adopted Keil's conjecture, which involves least departure from the reading of Avantius who read 'inter quas est Bithynia'; which Aldus altered into 'non est Bithynia,' omitting 'inter quas.' Mommsen suggests 'praeterita est Bithynia.' Domitian, while writing to these two proconsuls of Achaia, seems to have mentioned certain other provinces to which his ruling applied.

nec assertionem denegandam. This is the answer to the question 'de conditione.' A disputed case of freedom was called a 'causa liberalis.' See *Cod. Iust.* vii 17. A person who claimed his freedom could make his adsertio only through a representative (adsertor) Mart. i 53, who as in the process of vindicatio had to touch the claimant with his hand (manu adserere). The term 'adsertio,' however, had two applications : 'adsertio tam a servitate in libertatem quam a libertate in servitium trahi significat,' Prisc. p. 1208 P., and Livy. iii 44, 'ut virginem in servitutem adsereret,' cf. Suet. *Dom.* 8, id. *Aug.* 74, id. *Vitell.* 10, 'qui non contenti epulo ubique publice praebito, quoscunque libuisset, in libertatem adserebant.'

The adsertor was usually, though not necessarily, a relation. Cf. Suet. *Vesp.* 3, and an interesting case in *De illustribus grammaticis*, c. 21, 'C. Melissus Spoleti natus, ingenuus, sed ob discordiam parentum expositus, cura et industria educatoris sui altiora studia percepit : ac Maecenati pro grammatico datus est muneri. Cui quum se gratum et acceptum in modum amici videret, quamquam adserente matre, permansit tamen in statu servitutis.'

in libertatem vindicabuntur. In the 'causae liberales' there were an 'adsertor libertatis' and an 'adsertor servitutis'; Gaius, iv 16, gives the legal formulae used, 'hunc ego hominem ex iure Quiritium meum esse aio secundum suam causam sicut dixi. Ecce tibi vindictam imposui.' The other side repeated the same words, and the praetor gave the order 'Mittite ambo hominem.' Pending the decision of the case the 'vindiciae were according to the XII Tables given 'secundum libertatem,' *i.e.* the claimant provisionally retained his freedom. Cf. the case of Virginia, Livy, iii 44, *sq.*; *Dig.* 1, 2, 24 ; Cic. *de Rep.* iii 32. The phrase 'in libertatem vindicare' is also used popularly apart from its legal sense, cf. Cic. *ad Fam.* ii 5, 2, 'rempublicam in libertatem vindicare.' Caes. *Bell Gall.* vii 1, 'Galliam in lib. vind.'

neque ipsam libertatem redimendam pretio alimentorum. This answers the question 'de alimentis.' Trajan's decision is equitable in itself, but to a certain extent would serve to discourage the habit of rescuing exposed children. Possibly, as De la Berge suggests, Trajan may have had a scheme for charging the several towns with the maintenance of such children, or possibly he proposed to institute in the provinces 'alimentationes' similar to those in Italy. However, Trajan's decision was reversed

sed intra eas provincias de quibus rescripsit, inter quas non est Bithynia; et ideo nec adsertionem denegandam iis qui ex eiusmodi causa in libertatem vindicabuntur puto neque ipsam libertatem redimendam pretio alimentorum.

1 inter eas, *Avant. and Ald.* non, om. *Avant.*, add. *Ald.*

by Constantine, who declared (*Cod. Theod. de expositis*) that the 'educator' acquired the right of 'patria potestas' over the child whom he brought up. Justinian again reverted to Trajan's decision, but this was probably after the influence of Christianity had made exposure a less frequent custom. *Dig.* 8, 52, 3, 'Sed nullo discrimine habito, hi qui ab huiusmodi hominibus educati sunt, liberi et ingenui appareant,' etc.

On the whole subject of exposure among the ancients see V. Denis, *Hist. des Idées morales*, ii 108.

LXVII [XV]

De legato regis

C. PLINIUS TRAIANO IMPERATORI

1 Legato Sauromatae regis, cum sua sponte Nicaeae, ubi me invenerat, biduo substitisset, longiorem moram faciendam, domine, non putavi; primum, quod incertum adhuc erat quando libertus tuus Lycormas venturus esset, deinde, quod ipse proficiscebar in diversam provinciae partem, ita officii necessitate
2 exigente. Haec in notitiam tuam perferenda existimavi, quia proxime scripseram petisse Lycormam ut legationem, si qua venisset a Bosporo, usque in adventum suum retinerem. Quod diutius faciendi nulla mihi probabilis ratio occurrit, praesertim cum epistulae Lycormae, quas detinere, ut ante praedixi, nolui, aliquot diebus hunc legatum antecessurae viderentur.

11 huic, *Avant.*

§ 1. I thought it best that the legate of King Sauromates should not make a longer stay than two days at Nicaea where he found me, partly because it was quite uncertain when Lycormas would arrive, and partly because I was compelled by the duties of my office to visit a different part of the province. § 2. I mention this, because, as I told you, Lycormas asked me to keep any embassy from Bosporus until his arrival. There seems no good reason for doing this any longer, especially as the despatches of Lycormas will probably reach you as it is, some days before this legate.

§ 1. **legato Saur. reg.** On these legati see note on *Ep.* 43. This was doubtless the legatio expected by Trajan, *Ep.* 63.

ipse proficiscebar in diversam provinciae partem. Cf. *Ep.* 33, 'cum diversam partem provinciae circumirem.'

§ 2. **petisse Lycormas**, etc.; see *Ep.* 63.

nulla probabilis ratio, no sufficient reason.

LXVIII [LXXIII]

De reliquiis sepultorum transferendis

C. PLINIUS TRAIANO IMPERATORI

Petentibus quibusdam ut sibi reliquias suorum aut propter iniuriam vetustatis aut propter fluminis incursum aliaque his similia quaecumque secundum exemplum proconsulum transferre permitterem, quia sciebam in urbe nostra ex eiusmodi causa collegium pontificum adiri solere, te, domine, maximum pontificem consulendum putavi quid observare me velis.

6 conservare, *Avant.*

Several individuals have begged permission to remove the remains of their deceased relations from their present resting-places, which have suffered either from lapse of time or the inundations of the river or other causes of a similar kind, citing as precedents the action of previous proconsuls. However, as I knew that at Rome the pontifices had to be consulted in such cases, I have thought it right to ask you as pontifex maximus what course I should follow.

reliquias. Cf. Suet. *Oth.* 10, 'commendans reliquias suas et memoriam,' id. *Aug.* 100.

fluminis incursum. Cf. *Cod. Iust.*, 'si vi fluminis reliquiae filii tui continguntur, vel alia iusta et necessaria causa intervenit, existimatione rectoris provinciae transferre eas in alium locum poteris.'

collegium pontificum adiri solere. Cf. Cic. *de leg.* ii 23, 'sic decretum a pontificum collegio non esse ius in loco publico fieri sepulchrum,' and 'sed quum multa in eo loco sepulchra fuissent, exarata sunt. Statuit enim collegium locum publicum non potuisse privata religione obligari'; Livy i 20, 'nec caelestes modo caerimonias sed iusta quoque funebria placandosque manes ut idem pontifex edoceret.' Orell. 794, 'reliquiae traiectae eius III Nonas Febr. ex permissu collegii pontif.'; Orell. 4515; *Dig.* 7, 8, 'ossa quae ab alio illata sunt vel corpus an liceat domino loci effodere et emere sine decreto pontificum vel iussu principis quaestionis est.'

LXVIIII [LXXIV]

TRAIANUS PLINIO S.

Durum est iniungere necessitatem provincialibus pontificum adeundorum, si reliquias suorum propter aliquas iustas causas transferre ex loco in alium locum velint. Sequenda ergo potius tibi exempla sunt eorum qui isti provinciae praefuerunt et ex causa cuique ita aut permittendum aut negandum.

4 profuerunt, *Avant.* ut causa, *Keil.* ex causa, *Cat.*

It is a hardship to compel the provincials to consult the pontifices if they have any good reason for wishing to transfer the remains of their relations. We had therefore better follow the precedents of the proconsuls of the province, and grant or refuse permission according to the merits of each case.

si . . . propter aliquas iustas causas. Cf. the wording of the letter of Antonius quoted above from the *Cod. Iust.*

sequenda potius exempla eorum qui, etc. Cf. *Ep.* 113, 'id ergo quod semper tutissimum est, sequendam cuiusque civitatis legem puto.'

ex causa, according to the circumstances.

LXX [LXXV]

De loco balinei Prusensibus concedendo

C. PLINIUS TRAIANO IMPERATORI

1 Quaerenti mihi, domine, Prusae ubi posset balineum quod indulsisti fieri, placuit locus in quo fuit aliquando domus, ut audio, pulchra, nunc deformis ruinis. Per hoc enim consequemur ut foedissima facies civitatis ornetur atque etiam ut ipsa civitas amplietur nec ulla aedificia tollantur, sed, quae sunt vetustate
2 sublapsa, relaxentur in melius. Est autem huius domus conditio talis: legaverat eam Claudius Polyaenus Claudio Caesari iussitque in peristylio templum ei fieri, reliqua ex domo locari. Ex ea reditum aliquandiu civitas percepit: deinde paulatim partim spoliata partim neglecta cum peristylio domus tota

6 reparentur, *Ald.* 8 iusseratque, *Cat.*
9 ex ea redditum, *Avant.*

§ 1. On inquiring where the bath at Prusa which you have sanctioned could be built, the best site appeared to be that of a house which though once a magnificent one is now in ruins. We shall thus secure the adornment of what is at present a blot upon the city, and also enlarge the state without pulling down anything; indeed, a ruinous building will be opened out and improved. § 2. However, there is this point about the house—it was left to Claudius Caesar by the will of one Polyaenus, who ordered a temple to be built to the emperor in the peristylium, and the rest of the house to be let. For some time the rent was received by the state, but gradually both house and peristylium have fallen into ruin, and little but the site remains. The city would esteem it a great favour, sire, if you would either present or sell this on account of its convenient position. § 3. With your permission I intend to place the bath in the vacant ground, and to fill the space on which the buildings stood with exedrae and porticoes, and to consecrate it to you as the patron of the institution. I send you a copy, though a faulty one, of the will. You will see that Polyaenus left considerable sums for the adornment of the house, which, though they have perished with the house, I will if possible look after.

§ 1. **balineum quod indulsisti.** Cf. *Ep.* 24, 'possumus desiderio eorum indulgere.' The bath was to be paid for partly by the money called in from private debtors, partly from the grants formerly made for oil, see *Ep.* 23.

amplietur, may be ennobled. Cf. Mart. viii 66, 'quorum pacificus ter ampliavit Ianus nomina.'

relaxentur, may be opened out. The bath would be a more extensive building than the house had been.

§ 2. **Claudius Polyaenus**, probably a freedman of Claudius.

in peristylio. The peristylium was a square or oblong space, behind the atrium, which was sometimes laid out as a garden, often was adorned with fountains, Suet. *Aug.* 82, and almost always surrounded with a colonnade.

templum, a shrine; perhaps little more than an aedicula such as that in which the Lares were usually placed. Cf. Petr. *Sat.* 29, 'in aedicula erant Lares argentei positi.' The Lararium was usually placed in a corner of the peristylium, as *e.g.* it is in the house of the Tragic Poet at Pompeii. The worship of the reigning emperor was closely united with that of the public and household Lares. Cf. Ovid. *Fast.* v 145, 'Mille Lares, geniumque Ducis qui tradidit illos,' and Dio Cass. 51, 69, 'καὶ ἐν τοῖς συσσιτίοις οὐχ ὅτι τοῖς κοινοῖς ἀλλὰ καὶ τοῖς ἰδίοις πάντας αὐτῷ σπένδειν ἐκέλευσεν.'

conlapsa est, ac iam paene nihil ex ea nisi solum superest ; quod tu, domine, sive donaveris civitati sive venire iusseris, propter opportunitatem loci pro summo munere accipiet. Ego, si 3
permiseris, cogito in area vacua balineum conlocare, eum autem locum in quo aedificia fuerunt exedra et porticibus amplecti tibique consecrare, cuius beneficio elegans opus dignumque nomine tuo fiet. Exemplar testamenti, quamquam mendosum, 4
misi tibi ; ex quo cognosces multa Polyaenum in eiusdem domus ornatum reliquisse, quae ut domus ipsa perierunt, a me tamen, in quantum potuerit, requirentur.

3 accipiet. Ego, *Cat.* accipi et ego, *Avant. and Ald.* 4 eum autem, *Avant.* 6 tibique, *B.* atque tibi, *Ald.* quae tibi, *Avant.* 7 exempla, *Avant.* 8 eundem, *Avant.*

Wilm. 2459, 'lares et imagines domini nostri Caesaris,' also 1731, 2241, etc.

sive donaveris, etc. Having been left to Claudius by testament, it became part of the patrimonium Caesaris, although apparently the town of Prusa had been allowed to receive the rent, 'reditum civitas percepit.'

accipiet. The prominent position of 'tu'—'quod tu domine,' makes the change of person rather awkward. We should rather have expected 'summum munus dabis.'

§ 3. **in area vacua.** *Dig.* 50, 16, 211, 'locus sine aedificio in urbe area'; Suet. *Vesp.* 8, 'vacuas areas occupare et aedificare, si possessores cessarent, cuicunque permisit.' It is here, all the premises in and around the house not actually occupied with buildings. Cf. Plin. *Ep.* vi 20, 4, 'resedimus in area domus quae mare a tectis modico spatio dividebat,' and *Ep.* vii 27, 10, 'postquam deflexit in aream domus.'

exedra et porticibus. The exedrae were rooms for conversation or lectures or recitations. They were often added to private houses. Cf. Cic. *de orat.* iii 5, 17, 'cum in eam exedram venisset in qua Crassus lectulo posito recubuisset, and *Nat. Deor.* i 6, 'nam cum feriis Latinis ad eum ipsius rogatu . . . venissem, offendi eum sedentem in exedra cum C. Velleio senatore disputantem.' Both gymnasia and public baths on a large scale were furnished with these exedrae. They were usually semicircular recesses with seats in the colonnades, Vitruv. v 11, 'Constituuntur in porticibus exedrae spatiosae, habentes sedes in quibus philosophi, rhetores reliquique qui studiis delectantur sedentes disputare possint.' In large baths like those of Caracalla at Rome these exedrae were often separate from the actual bathing establishment, and skirted the stadium, or open grounds round the baths. See Middleton's *Rome*, p. 357. On porticibus see note to *Ep.* 39, § 3.

tibi consecrare, by an altar or shrine.

dignum nomine tuo. Cf. *Ep.* 41, 'opera non minus aeternitate tua quam gloria digna.'

§ 4. **exemplar.** Cf. *Ep.* iv 7, 2, 'eundem (librum) in exemplaria mille transcriptum per totam Italiam provinciasque dimisit.'

in quantum. Cf. Juv. xiv 318, and Mayor's note.

LXXI [LXXVI]

TRAIANUS PLINIO S.

Possumus apud Prusenses area ista cum domo conlapsa, quam vacare scribis, ad extructionem balinei uti. Illud tamen

2 balinei ut, *Avant.*

There is no objection to using the ruined house with the empty space belonging to it as the site for the new bath at Prusa. You did not, however, clearly

parum expressisti an aedes in peristylio Claudio facta esset. Nam si facta est, licet conlapsa sit, religio eius occupavit solum.

say whether the proposed shrine to Claudius in the peristylium was completed; because, if so, notwithstanding its ruinous state, the soil is still consecrated to him.

quam vacare scribis. Pliny had implied this by the words 'tota collapsa est.'

parum expressisti, you have not clearly stated.

religio eius occupavit solum. Cf. Cic. *ad Att.* iv 1, 7, 'Qui (pontifices) si sustulerint religionem, aream praeclaram habebimus.' Trajan's scruples in connection with this shrine of Claudius are in marked contrast with his answer to Pliny on the subject of moving the temple of Cybele in *Ep.* 50, where he said, 'solum peregrinae civitatis capax non est dedicationis quae fit nostro iure.' But political considerations would enter into the present case, and Trajan could not sanction any appearance of disrespect to a deified predecessor. Pliny probably thought that his intention of consecrating the place to Trajan would answer the requirements of the case.

LXXII [LXXVII]

De adsertione ingenuorum

C. PLINIUS TRAIANO IMPERATORI

Postulantibus quibusdam ut de agnoscendis liberis restituendisque natalibus et secundum epistulam Domitiani scriptam Minicio Rufo et secundum exempla proconsulum ipse cognoscerem, respexi ad senatus consultum pertinens ad eadem ge-

1 cognoscendis, *Avant.* agnoscendis, *Ald. and Budaeus.*

Certain persons have demanded that I should myself hear cases concerning the acknowledgment of children and their instalment as free-born citizens, in accordance with a letter of Domitian and the practice of previous proconsuls. I referred to a decree of the senate on these subjects, but this only relates to senatorial provinces, and I have therefore postponed the matter until I receive your instructions.

de agnoscendis liberis. This was the question as to the acknowledgment of children by their father, when there was any suspicion of adultery on the part of the mother. Ulpian in the *Digest*, 25, 3, 1, mentions a 'senatus consultum quod factum est de liberis agnoscendis'; he says, 'duas species complectitur, unam eorum qui agnoscunt, aliam earum quae falsum pactum subiciunt.' The wife had to give formal notice of her pregnancy within thirty days of the divorce; and the husband might either send 'custodes,' or at once declare that the child was not his.

restituendis natalibus. The 'restitutio natalium' was the granting of the privileges of free-born citizenship to one born in a servile condition; and accordingly was often granted to 'libertini,' who then had complete rights over his own property, and could even be enlisted in the legions, which freedmen could never do (see Momms. in *Hermes*, xix p. 27). The phrase 'natalibus restituere,' was based on the theory that the original condition of men was one of freedom, and so a slave on becoming ingenuus is only restored to his original right. The 'natalium restitutio' would be granted only by the emperor himself. See *Digest* 40, 11, 2, 'Interdum et servi nati ex post facto iuris interventu ingenui fiunt, ut ecce si libertinus a principe natalibus suis restitutus fuerit. Illis enim utique natalibus restituitur, in quibus initio omnes homines fuerunt non in quibus ipse nascitur, cum servus natus esset, hic enim, quantum ad totum ius pertinet, perinde habetur atque si ingenuus natus esset, nec patronus eius potest ad successionem venire, ideoque imperatores non facile solent quemquam

nera causarum, quod de iis tantum provinciis loquitur quibus proconsules praesunt; ideoque rem integram distuli, dum tu, domine, praeceperis quid observare me velis.

natalibus restituere nisi consentiente patrono,' and again, § 3, 'ea res nec dubitationem habet nec unquam habuit, quin exploratum sit ad omnem ingenuitatis statum restitui eum qui isto beneficio (nat. rest.) principis utatur.' In the present case the question of natalium restitutio is clearly connected with that de agnoscendis liberis,' possibly in this way. If a child born from an ancilla were recognised by the father, the latter could then present a petition to the emperor for the 'natalium restitutio,' on the child's account; but see note on *Ep.* 73.

Minicio Rufo. L. Minicius Rufus was apparently a proconsul of Bithynia under Domitian: he was consul in 88 A.D.; Censorinus, 17, 11. See Mommsen's index.

ipse cognoscerem. The proconsul might decide the question 'de liberis agnoscendis,' and he might make the necessary preliminary inquiries in connection with the 'restitutio natalium,' but the latter he could in no case grant of his own authority.

ad senatus consultum. Possibly the one mentioned by Ulpian above.

iis provinciis quibus proconsules praesunt, *i.e.* the senatorial provinces, all of which were governed by men who had the honorary title of proconsul, although Asia and Africa only were actually held by 'consulares': the rest by 'praetorii.' See Dio Cass. 53, 13, '*ἔπειτα δὲ τοὺς μὲν* (*i.e.* the senatorial governors) *καὶ ἐπετησίους καὶ κληρωτοὺς εἶναι, πλὴν εἴ τῳ πολυπαιδίας ἢ γάμου προνημία προσείη καὶ ἔκ τε τοῦ κοινοῦ τῆς γερουσίας συλλόγου πέμπεσθαι, μήτε ξίφος παραζωννυμένους, μήτε στρατιωτικῇ ἐσθῆτι, χρωμένους· καὶ ἀνθυπάτους καλεῖσθαι μὴ ὅτι τοὺς δύο τοὺς ὑπατευκότας ἀλλὰ καὶ τοὺς ἄλλους τῶν ἐστρατηγηκότων ἢ δοκούντων γε ἐστρατηγηκέναι μόνον ὄντας· ῥαβδούχοις τε σφᾶς ἑκατέρους ὅσοις περ καὶ ἐν τῷ ἄστει νενομίσται, χρῆσθαι . . . τοὺς δὲ ἑτέρους ὑπό τε ἑαυτοῦ αἱρεῖσθαι, καὶ πρεσβευτὰς αὐτοῦ ἀντιστρατήγους τε ὀνομάζεσθαι κἂν ἐκ τῶν ὑπατευκότων ὦσι, διέταξε.*' At the present time Bithynia was in a doubtful position; it was still a senatorial province, but for the time being it was administered by a legatus Augusti, a change, which as far as Pliny knew, Trajan might have intended to make permanent, and indeed, after 135 A.D. it did become regularly an imperial province.

quid observare me velis. Cf. *Ep.* 68.

LXXIII [LXVIII]

TRAIANUS PLINIO S.

Si mihi senatus consultum miseris, quod haesitationem tibi fecit, aestimabo an debeas cognoscere de agnoscendis liberis et natalibus suis restituendis.

3 veris, *Avant.*

If you will send me the decree of the senate which causes your hesitation, I will consider whether it is your duty to decide the cases you mention.

si mihi senatus consultum miseris. There would of course be the original decree in the tabularium at Rome, but on so small a point, it was simpler for Pliny to send a copy than to have the archives searched for it.

natalibus suis restituendis. It seems not improbable that the question of the 'restitutio natalium' was raised in Bithynia at this time in connection with the rescript of Trajan concerning the *θρεπτοί*, who were born ingenui, but having been brought up as slaves, required the restitutio natalium before they could regain their original 'ingenuitas.' From this point of view there is a temptation to adopt here the reading of Avantius.

natalibus suis restituendis. This, however, would be referring natales not to the original condition of men, generally, as the *Digest* explains it, but to the particular birth of the individuals in question.

LXXIIII [XVI]

De Callidromo Laberii Maximi fugitivo

C. PLINIUS TRAIANO IMPERATORI

1 Appuleius, domine, miles, qui est in statione Nicomedensi, scripsit mihi quendam nomine Callidromum, cum detineretur a Maximo et Dionysio pistoribus, quibus operas suas locaverat, confugisse ad tuam statuam perductumque ad magistratus

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§ 1. A soldier named Appuleius, sire, stationed at Nicomedeia has informed me that a certain Callidromus having escaped from two bakers to whom he had hired his services, took refuge before your statues, and gave the following account of himself to the magistrates. He was formerly a slave of Laberius Maximus, was taken prisoner in the Dacian war, and then sent as a present by Decebalus to Pacorus the Parthian king, in whose service he remained for several years. Ultimately he made his escape and arrived at Nicomedeia. § 2. As he repeated the same story to me I thought it best to send him to you. This, however, I delayed to do, while I searched for a gem engraved with the figure of Pacorus in his royal robes, of which he declares that he has been robbed. § 3. I should have liked to send you this with the man himself. The ingot from a Parthian mine which I have despatched he declares that he brought with him. It is sealed with my signet-ring, a chariot and four.

§ 1. **in statione Nicomedensi.** Nicomedeia was apparently the headquarters of the auxiliary troops which had been assigned to Pliny; cf. note on *Ep.* 21.

cum detineretur, on being forcibly detained.

pistoribus, probably bakers and millers combined. At Pompeii certainly the two trades were carried on together, as we see in several of the houses. Rich people often had their own 'pistores'; Suet. *Caes.* 48, 'domesticam disciplinam in parvis ac maioribus rebus diligenter adeo severeque rexit, ut pistorem, alium quam sibi panem convivis subicientem compedibus vinxerit.' These pistores often fetched high prices. Cf. M. Varro, περὶ ἐδεσμάτων in Aul. Gell. xv 19, 'si quantum operae sumpsisti ut tuus pistor bonum faceret panem, eius duodecimam philosophiae dedisses, ipse bonus iampridem esses factus. Nunc illum qui norunt, volunt emere millibus centum, te qui novit, nemo centussis.' The pistores had several departments of their trade. There were pist. siliginarii, Orell. 4263; pist. dulciarii, Mart. xiv 222; pist. lactarii. They usually worked by night; Mart. xii 57, 5, 'negant vitam Ludimagistri mane, nocte pistores, Aerariorum marculi die toto.' They were formed into corpora or collegia, Orell. 1810. At Rome the 'collegia pistorum' were especially important in connection with the corn supply of the city, and Trajan who was jealous of collegia generally gave special privileges to these. Cf. Middleton's description of the tomb of Eurysaces outside the Porta Praenestina at Rome, p. 429.

quibus operas suas locaverat, *Digest*, 33, 2, 3, 'Hominis quoque liberi operae legari possunt, sicut locari et in stipulationem deduci.' The workman is the 'locatur operarum,' the employer the 'conductor operarum.' If the work was not performed as agreed upon, the conductor could resort to an 'actio conducti.' On the other hand, the remedy open to the locator was an actio locati. See Hunter's *Roman Law*, pp. 338-340. The comic poet Plautus is said by Varro to have hired his services to a baker; Aul. Gell. iii 3, 'cum pecunia omni, quam in operis artificum scenicorum pepererat, in mercationibus perdita, inops Romam rediiset, et ob quaerendum victum ad circumagendas molas, quae trusatiles appellantur, operam pistori locasset.'

confugisse ad tuam statuam. The first appearance of any special sanctity being given to the statue of the emperor was the consecration of the temple of

indicasse servisse aliquando Laberio Maximo captumque a Susago in Moesia et a Decebalo muneri missum Pacoro, Par-

Divus Iulius by the triumviri; Dio Cass. 47, 19, '*πρὸς δὲ τούτοις, ἀπεῖπον μὲν μηδεμίαν εἰκόνα αὐτοῦ, καθάπερ θεοῦ, τινος ὡς ἀληθῶς ὄντος, ἐν ταῖς τῶν συγγενῶν αὐτοῦ ἐκφοραῖς πέμπεσθαι . . . ἀπηγόρευσαν δὲ μηδένα εἰς τὸ ἡρῷον αὐτοῦ καταφυγόντα ἐπ' ἀδείᾳ, μήτε ἀνδρηλατεῖσθαι, μήτε συλᾶσθαι*'; and from this time there seems to have been a certain right of asylum connected with the statues of the emperors, whether living or dead, though emperors like Tiberius put a certain check upon it. Suet. *Tib.* 26, 'prohibuit etiam statuas ac imagines nisi permittente se poni, permisitque ea sola conditione ne inter simulacra deorum sed inter ornamenta aedium ponerentur.' So Trajan's moderation is contrasted with Domitian's conduct; Plin. *Panegyr.* 52, 'Itaque tuam statuam in vestibulo Iovis optimi maximi unam alteramve et hanc aeream cernimus. At paulo ante aditus omnes, omnes gradus totaque area hinc auro hinc argento relucebat seu potius polluebatur, cum incesti principis statuis permixta deorum simulacra sorderent.' We find the statue of Augustus an asylum after his death; Tac. *Ann.* iv 67, 'ultroque struebantur, qui monerent (Agrippinam) perfugere ad Germaniae exercitus, vel celeberrimo foro effigiem divi Augusti amplecti.' Also that of Iulius; Suet. *Aug.* 17, 'Antonium iuvenem, maiorem de duobus Fulvia genitis, simulacro divi Iulii, ad quod post multas et irritas preces confugerat, abreptum interemit'; also Suet. *Tib.* 50, 'novissime calumniatus modo ad statuam Augusti, modo ad exercitus confugere velle, Pandatariam relegavit.' Cf. Suet. *Tib.* 58, where after a man was condemned of maiestas for removing the head from a statue of Augustus to put on another, 'damnato reo, paullatim hoc genus calumniae eo processit ut haec quoque capitalia essent, circa Augusti simulacrum servum excidisse, vestimenta mutasse, nummo vel anulo effigiem impressam latrinae . . . intulisse.' Tac. *Ann.* i 73, 'Falanio obiciebat accusator . . . quod venditis hortis statuam Augusti simul mancipasset.' Tac. *Ann.* iii 36, 'Incedebat enim deterrimo cuique licentia, impune probra et invidiam in bonos excitandi arrepta imagine Caesaris . . . igitur C. Caestius senator disseruit principes quidem instar deorum esse: sed neque a diis nisi iustas supplicum preces audiri, neque quemquam in Capitolium (cf. Plin. *Panegyr.* l. c.) aliave Urbis templa perfugere, ut eo subsidio ad flagitia utatur.' By the time of Antoninus Pius the right was formally acknowledged; Gaius, iii 53, 'Nam consultus a quibusdam praesidibus provinciarum de his servis qui ad fana deorum vel ad statuas principum confugiunt, praecepit ut si intolerabilis videatur dominorum saevitia, cogantur servos suos vendere,' etc. See also *Digest*, 48, 19, 28, 7, 'ad statuas confugere vel imagines principum in iniuriam alterius prohibitum est . . . nisi quis ex vinculis vel custodia detentus a potentioribus ad huiusmodi praesidium confugerit: his enim venia tribuenda est.' See Momms. *Staatsrecht*, vol ii p. 736.

Laberio Maximo. Manius Laberius Maximus was consul II. ordinarius in 103 A.D., Henz. 5442. He was one of the generals in the Dacian war; Dio Cass. 58, 9, '*ἐπειδὴ ὁ Μάξιμος ἐν τῷ αὐτῷ χρόνῳ τήν τε ἀδελφὴν αὐτοῦ* (*i.e.* Decebalus) *καὶ χώριον τι ἰσχυρὸν εἶχεν.*' The present passage seems to show that he was legate of Moesia (probably Moesia superior). He was afterwards banished by Trajan, and recalled by Hadrian; Spart. *Vit. Hadr.* 5. See Momms. index.

a Susago, a Dacian general, or some king allied to Decebalus.

a Decebalo muneri missum Pacoro. On the Dacian war, see life of Trajan, pp. 7-9. For Decebalus cf. *Ep.* viii 4, 2, 'pulsum regia, pulsum etiam vita regem nihil desperantem.' This passage is important since it proves that Decebalus was in communication with the Parthian king, whom in all probability he attempted to draw into the war against Trajan. If he had succeeded, serious embarrassment might have been caused to the emperor, who could not well have spared any of his western legions at that time for an oriental campaign.

pluribusque annis in ministerio eius fuisse. I have not seen it pointed out before, but these words are a clear proof that the old date assigned to Pliny's mission to Bithynia 103-105 is wrong. If Callidromus, as is probable, was taken prisoner in the first war, he was no doubt sent to Pacorus in the interval between the first and second wars, *i.e.* between 102 and 104 A.D., and as he stayed several years in Parthia, it necessarily makes the date of the letter at any rate later than 105.

thiae regi, pluribusque annis in ministerio eius fuisse, deinde
2 fugisse atque ita in Nicomediam pervenisse. Quem ego perductum ad me, cum eadem narrasset, mittendum ad te putavi; quod paulo tardius feci, dum requiro gemmam, quam sibi habentem imaginem Pacori et quibus ornatus fuisset subtractam
3 indicabat. Volui enim hanc quoque, si inveniri potuisset, simul mittere, sicut glebulam misi quam se ex Parthico metallo attulisse dicebat. Signata est anulo meo, cuius est aposphragisma quadriga.

5 et quibus insignibus ornatus fuisset, *Cat.* et cuius ornatus fuisset, *Orell.*

§ 2. **mittendum ad te putavi.** Evidently because he might have revelations of importance to make either as to the relations which had existed between Dacia and Parthia, or as to the present conditions and designs of Parthia.

dum requiro, since I am looking for. On this causal use of 'dum,' cf. on *Ep.* 38.

et quibus ornatus fuisset, and his royal robes. Catanaeus conjectures 'et quibus insignibus, orn. fuis.' Mommsen, 'cum aliis quibus orn. fuis.' Orelli, 'et cuius ornatus fuisset.' The whole sentence, however, is so awkward that the traditional reading may very likely be right. In any case it seems clear that 'quibus ornatus fuisset' is governed by habentem, and therefore Mommsen's conjecture seems out of place.

§ 3. **glebulam**, probably of gold.

aposphragisma quadriga; cf Capit. Claud. 2, 'quin et super hoc ad procuratores meos litteras misi quas ipse signatas excipies signo Amazoniae.

LXXV [LXXVIIII]

De testamento Largi

C. PLINIUS TRAIANO IMPERATORI

1 Iulius, domine, Largus ex Ponto nondum mihi visus ac ne auditus quidem (scilicet iudicio tuo credidit) dispensationem quandam mihi erga te pietatis suae ministeriumque mandavit.
2 Rogavit enim testamento ut hereditatem suam adirem cerneremque ac deinde praeceptis quinquaginta milibus nummum

2 credit, *Avant. and Ald.* 5 perceptis, *Avant. and Ald.*

§ 1. Iulius Largus, sire, of Pontus, though never yet seen or heard of by me, has made me the minister and steward of his loyal feelings towards you. § 2. He has begged me in his will to formally enter into his inheritance, all of which, after deducting 50,000 sesterces for my own use, I am to pay over to the states of Heraclea and Tium, it being left for my decision whether public works should be constructed in your honour, or quinquennial games instituted in your name. I bring the matter before you that you may guide my decision.

§ 1. **scilicet iudicio tuo credidit**, *i.e.* in selecting Pliny for the mission to Bithynia. On this sense of iudicium, cf. *Ep.* 4, 'ut gloriari . . . iudiciis tuis possim,' and note *ad loc.*

§ 2. **ut hereditatem suam adirem cerneremque**; Gaius, ii 162, 'extraneis autem heredibus (*i.e.* qui testatoris iuri subiecti non sunt) deliberandi potestas data est de adeunda hereditate vel non adeunda.' The heir had to make a formal declaration 'cretio' within a certain time, usually 60 or 100 days, whether he would accept the hereditus. Gaius, ii 164, 'extraneis heredibus solet cretio dari, id est finis deliberandi ut intra certum tempus vel adeant hereditatem, vel si non adeant, temporis fine summove-

reliquum omne Heracleotarum et Tianorum civitatibus redderem, ita ut esset arbitrii mei utrum opera facienda quae honori tuo consecrarentur putarem an instituendos quinquennales

antur: ideo autem cretio appellata est, quia cernere est quasi decernere et constituere.' The usual formula in wills was 'Heres Titius esto: cernitoque in centum diebus proxumis'; § 166, 'et qui ita heres institutus est, si velit heres esse, debebit intra diem cretionis cernere, id est haec verba dicere'; 'Quod me (Iulius Largus) testamento suo heredem instituit, eam hereditatem adeo cernoque.' Cf. Cic. *ad Att.* xi 2, 'eo ipso die ex testamento crevi hereditatem'; and xiii 46, 'Tum ex eo cognovi cretionem Cluvii, liberam cretionem, testibus praesentibus, sexaginta diebus'; Liv. xxiv 25. For 'adire hereditatem,' cf. Cic. *Phil.* ii 16, 'cum ipse hereditatem patris non adisses'; Suet. *Aug.* 8.

praeceptis quinquaginta milibus nummum. 'Praeceptis' is no doubt the right reading, not 'perceptis,' as Avantius reads. Cf. Plin. *Ep.* v 7, 1, 'Saturninus autem, qui nos reliquit heredes, quadrantem reipublicae nostrae, deinde pro quadrante praeceptionem quadringentorum milium dedit.' *Dig.* 30, 125, 'si heres centum praecipere iussus sit,' etc.; and 36, 1, 63, 'sed cum praecepta aliqua re aut summa rogatus sit heres restituere,' etc. Gierig's quotation of Suet. *Aug.* 101 in favour of perceptis is not to the point, 'quamvis viginti proximis annis quaterdecies millies ex testamentis amicorum percepisset,' where percep. is not a technical term at all. So in Suet. *Tib.* 15, 'ne hereditatem quidem aut legata percepit ulla,' etc. Praecipere can be used only of the heres; percipere either of the heres or the legatarius.

reliquum omne H. et T. civitatibus redderem. Civitates as 'personae incertae' could neither receive inheritances or legacies (Ulp. *Frag.* xxii 5), because there was no one to go through the solemn form of cretio. Cf. Plin. *Ep.* v 7, 1, 'nec heredem institui nec percipere posse rempublicam constat,' and so the will of Saturninus, which left a praeceptionem quadringentorum milium to the city of Comum, was, as Pliny says, 'si ius adspicias, irritum, si defuncti voluntatem, ratum et firmum est.' But by the senatus consultum Afranianum, passed under Trajan, they might receive property by means of fidei-commissum. *Dig.* 36, 1, 26, 'Omnibus civitatibus quae sub imperio populi Romani sunt, restitui debere et posse hereditatem fideicommissam Afranianum senatus consultum iubet.' The hereditas in question there was an 'hereditas fidei commissaria': hence the expression 'rogavit testamento.' Cf. Gaius, ii 249, 'Verba autem fidei commissorum haec in usu esse videntur: peto: rogo. volo. fidei committo.' By the senatus consultum Pegasianum, A.D. 70, the heres was allowed to retain one-fourth part of the estate against the fidei-commissarius; just as by the lex Falcidia he would retain one-fourth against the legatarii. Gaius, ii 254, 'sed rursus quia heredes scripti, cum aut totam hereditatem aut paene totam plerumque restituere rogabantur, adire hereditatem ob nullum aut minimum lucrum recusabant, atque ob id extinguebantur fidei commissa, postea Pegaso et Pusione consulibus senatus censuit ut ei qui rogatus esset hereditatem restituere perinde liceret quartam partem retinere atque e lege Falcidia in legatis retinere conceditur.' His position had already been improved by the senatus consultum Trebellianum, passed under Nero, by which all actiones in connection with the estate were to be against the fidei commissarius, and not against the heir. Gaius, ii 253. If the heir were asked to deduct, not a fourth of the estate, but some particular sum or thing, equal to not less than one-fourth, as in the present case, he had a certain further advantage in that he received this sum free from all encumbrances, as if he had acquired it under a legacy; whereas by receiving generally one-fourth he was subject to that proportion of the actiones against the estate. Just. ii 23, 9, 'si quis una aliqua re deducta sive praecepta . . . rogatus sit restituere hereditatem,' etc. See Hunter's *Roman Law*, pp. 630-641.

Heracleotarum. Heraclea Pontica and its territory formed one of the eleven regions into which Pompeius divided Pontus, Strab. xii 541. It was founded about 550 B.C. by Megarians and Tanagraeans (Ptol. v 26, 6), in the territory of the Maryandini. Pliny, h. n. vi 1, says it was 'oppidum Lyco flumini oppositum.' It was at one time a flourishing seaport, and one of the chief seats of the lucrative tunny fishery. Since the Mithridatic wars, however, it had declined.

agonas qui Traiani appellarentur. Quod in notitiam tuam perferendum existimavi ob hoc maxime, ut dispiceres quid eligere debeam.

1 quae Traiani, *Avant.* appellantur, *Avant.* appellentur, *Ald.*

Tianorum. Tium or Tios (Greek coins have Τεῖος and Τειανοί) was also on the coast, 38 miles from Heraclea, Plin. h. n. vi 1, 'oppidum Tium ab Heraclea triginta octo milia passuum,' and was founded by the Milesians, Arr. Peripl. Eux. p. 14, on the river Billaeus.

opera facienda. It was no unusual thing for money to be left to civitates for such purposes. *Dig.* 30, 122, 'Civitatibus legari potest etiam quod ad honorem ornatumque civitatis pertinet: ad ornatum puta, quod ad instrumentum, forum, theatrum, stadium legatum fuerit: ad honorem puta quod ad munus edendum, venationem ve ludos scenicos, ludos Circenses relictum fuerit.'

instituendos quinquennales agonas. These periodical local agones, which comprised the usual gymnastic contests, and sometimes musical competitions also, were extremely common among the Greek-speaking parts of the empire. As Trajan says to Pliny, 'Gymnasiis indulgent Graeculi,' and the towns of Asia Minor vied with one another in the splendour of these celebrations, occasionally, for the sake of greater *éclat*, calling them after the name of the reigning emperor. Augustus had set the example of encouraging these agones by establishing quinquennial games at Nicopolis in commemoration of the battle of Actium. Suet. *Aug.* 18, 'urbem Nicopolim apud Actium credidit, ludosque illic quinquennales constituit'; and c. 98, 'tamen et quinquennale certamen gymnicum, honori suo institutum, perspectavit.' These, however, were more than local contests; they were rather placed on the same standing as the Olympian Games, and time was even reckoned occasionally by Actiads, Ioseph. *Bell. Iud.* i 20, 4. This example was soon taken up in the provinces. The first King Herod of Judaea founded similar games in 8 B.C., Ioseph. *Ant. Iud.* xvi 5, 1; and a large number of towns in the other provinces did the same; Suet. *Aug.* 59, 'Provinciarum pleraeque super templa et aras ludos quoque quinquennales paene oppidatim constituerunt.' In Antioch and Alexandria indeed the quinquennial games thus established were called Ἀκτιακοί; C. I. Gr. 5804, '*τὸν ἐν Ἀντιοχείᾳ ἱερον πενταετηρικὸν ἀγῶνα Ἀκτιακῶν παίδων*,' and C. I. L. ii 4136. Nor were these games confined entirely to the East. Quinquennial games were established in Rome under the care of the four priestly colleges, Dio Cass. 53, 1, and Momms. *Res. Gest. d. Aug.* p. 41; and that those comprised the Greek athletic exercises is proved by Suet. *Aug.* 44, 'athletarum vero spectaculo muliebre sexus omne summovit,' etc. Nero did the same thing on a larger scale; Suet. *Ner.* 12, 'Instituit et quinquennale certamen primus omnium Romae more Graeco triplex, musicum, gymnicum equestre, quod appellavit Neronia.' Cf. Tac. *Ann.* xiv 20; Eckhel, *Doct. Num.* v 264, 'CER. QVINQ. ROM. CON. S. C.' A similar, though more permanent, institution was that of the 'agones Capitolini' by Domitian, Suet. *Dom.* 4; Mart. iv 1, 6; Juv. vi 387. For the athletic portion of this celebration Domitian built a stadium in the Campus Martius, on the site of which is the present Piazza Navona (Campus Agonis). But though these Capitolini agones were kept up for centuries at Rome, they were never looked upon with favour by the better classes of Romans; nor were the towns in the west allowed to follow the example of the Greek provinces. Cf. Plin. *Ep.* iv 22, 'Interfui principis optimi cognitioni, in consilium adsumptus. Gymnicus agon apud Viennenses ex cuiusdam testamento celebrabatur. Hunc Trebonius Rufinus . . . in duumviratu tollendum abolendumque curavit. Negabatur ex auctoritate publica fecisse. . . . Cum sententiae perrogarentur, dixit Iunius Mauricus . . . non esse restituendum Viennensibus agona: adiecit "vellem etiam Romae tolli posset." . . . Placuit agona tolli, qui mores Viennensium infecerat, ut noster hic omnium.' Döring in his note *ad loc.* misses the point. Mauricus expresses his dislike and disapproval, not of the 'Circenses,' but of Greek athletics, and is alluding to the 'agones capitolini.'

quod in notitiam tuam, etc., cf. *Ep.* 67.

LXXVI [LXXX]

TRAIANUS PLINIO S.

Iulius Largus fidem tuam, quasi te bene nosset, elegit. Quid ergo potissimum ad perpetuitatem memoriae eius faciat secundum cuiusque loci conditionem ipse dispice, et quod optimum existimaveris, id sequere.

2 optimum, *B. and Ald.* potissimum, *Avant.*

4 insequere, *Avant. and Ald.* inquire, *Cat.*

In the confidence he has placed in you, Iulius Largus has behaved as if he knew you well. Do you yourself choose whatever you think is best fitted to perpetuate his memory, and to improve the condition of the two towns.

quasi te bene nosset; although he was really 'nondum visus ac ne auditus quidem.'

ad perpetuitatem faciat. Cf. Ovid. *Her.* vi 128, 'Medeae faciunt ad scelus omne manus;' and *Amor.* i 2, 16, 'Frena minus sentit, quisquis in arma facit.'

LXXVII [LXXXI]

De centurione Iuliopolim mittendo

C. PLINIUS TRAIANO IMPERATORI

1 Providentissime, domine, fecisti quod praecepisti Calpurnio Macro, clarissimo viro, ut legionarium centurionem Byzantium

§ 1. It was a prudent measure, sire, to instruct Calpurnius Macer that he should send a legionary centurion to Byzantium. § 2. Would it not be as well to give the same assistance to Iuliopolis? It is a small city, but its burdens are great, and the injuries to which it is exposed heavier in proportion to its weakness. § 3. Any relief you grant to Iuliopolis will benefit the whole province, as it stands on the frontier of Bithynia, and crowds of merchants have to pass through it.

§ 1. **Calpurnio Macro, clarissimo viro.** See on *Ep.* 42.

legionarium centurionem. Another proof, if one were wanted, that Macer was legate of Lower Moesia. Apart from Moesia, the nearest province which contained legionary troops was Cappadocia. At this time Moesia Inferior had three legions — I Italica, V Macedonia, XI Claudia. See *Eng. Historic. Review*, No. 8, p. 649.

Byzantium mitteret. Trajan gives the reason for this step, *Ep.* 78. Byzantium was so crowded with travellers and merchants from all parts that the police arrangements were especially important and especially difficult, and therefore a detachment of legionary soldiers under a centurion was sent to assist the civil authorities to preserve order. In most parts of the empire it was rare for legionary troops to be quartered in the cities, but the population of the Syrian towns was so turbulent that the Syrian legions, much to their own demoralisation, were to a much greater extent posted in the towns, Momms. *Rom. Gesch.* v 448.

§ 2. **Iuliopolitanis.** Iuliopolis was originally called Gordiu-come (Γορδίου κώμη), Plin. h. n. v 32, 'inter quas Gordiu-come quae Iuliopolis vocatur.' In the reign of Augustus it was rebuilt by a robber chieftain who had submitted to the empire, and called by the name of Iuliopolis, Momms. *Rom. Gesch.* v 304. It was on the borders of Bithynia and Galatia, on the main road between Nicaea and Ancyra.

2 mitteret. Dispice an etiam Iuliopolitanis simili ratione consulendum putes, quorum civitas, cum sit perexigua, onera maxima sustinet tantoque graviores iniurias quanto est infirmior patitur. Quidquid autem Iuliopolitanis praestiteris, id
3 etiam toti provinciae proderit. Sunt enim in capite Bithyniae plurimisque per eam commeantibus transitum praebent.

1 mitteretur, *Avant.*
dispiciebam etiam, *Avant.*
ut dispicias, *B. and Ald.*
dispice an etiam, *Cat.*

3 et infirmior, *Avant.*'
est infirmior, *B. and Ald.*
5 suum, *Avant.*

simili ratione, on similar grounds.

onera maxima sustinet. The portoria, or import dues, were levied over all the empire, not only at the frontiers of the empire, but at all the border towns of the provinces. These portoria, usually 2½ per cent (Quintil. *Declam.* 359, 'praeter instrumenta itineris omnes res quadragesimam publicano debeant'), were let out to publicani, who, even under the most watchful administration of the emperors, too often oppressed the people. Tac. *Ann.* xiii 50, 'eodem anno crebris populi flagitationibus immodestiam publicanorum arguentis dubitavit Nero an cuncta vectigalia omitti iuberet, sed impetum eius attinuere senatores, dissolutionem imperii docendo, si fructus, quibus respublica sustineretur, deminuerentur, quippe sublatis portoriis sequens, ut tributorum abolitio expostularetur.' Tac. *Ann.* iv 6, 'At frumenta et pecuniae vectigales (*i.e.* portoria) cetera publicorum fructuum societatibus equitum Romanorum agitabantur.' For the collection of these portoria special districts were formed, usually comprising several provinces, the guilds of publicani being superintended by imperial procuratores. Thus we have in inscrr. 'procuratores Augusti quadragesimae Galliarum'; 'publicani provinciae Britanniae Londinenses'; 'conductor portori Illyrici.' With regard to Bithynia, see Henzen, 5530, where a C. Furius Sabinius is described as 'Procurator provinciae Bithyniae, Ponti, Paphlagoniae tam patrimonii quam rationum privatarum, ibi vice procurator quadragesimae.' That these taxes weighed upon the provincials is clear from the passage from Tacitus, *Ann.* xiii 50, quoted above, and is expressly stated by Strabo of Britain, iv 5, 3, '*τέλη τε οὕτως ὑπομένουσι βαρέα τῶν τε εἰσαγομένων εἰς τὴν Κελτικὴν ἐκεῖθεν καὶ τῶν ἐξαγομένων ἐνθένδε.*' Iuliopolis, as a frontier town, and standing on an important trade-route, was naturally especially affected by the presence of the publicani, who even, if they were not unduly extortionate, would seem to be diminishing the just gains of the town.

graviores iniurias. These injuries are not due to the publicani, against whom the centurion would have no means of protecting the town, but to the disturbances arising from the number of strangers constantly passing through it.

§ 3. **in capite Bithyniae**, at the extremity, or the confines, of B. Cf. Plin. *Ep.* ii 17, 19, 'In capite xysti cryptoporticus est'; v 6, 19, 'a capite porticus triclinium excurrit.'

plurimis per eam commeantibus. The main road from Nicaea to Ancyra passed through Iuliopolis. Ancyra was the meeting-place of three great roads—(1) from Sinope; this road crossed that from Nicomedeia to Amasia at Gangra, and then was continued to Ancyra; (2) from Nicopolis in Little Armenia, passing Sebastia, also a great meeting-place of roads, and Tavia; (3) from Melitene in Cappadocia, the headquarters of a legion, xii Fulminata. These were all important trade routes, and Iuliopolis, small town as it was, and situated at the entrance of Bithynia, certainly seemed to occupy an exceptional position, which made Pliny's request not unreasonable.

LXXVIII [LXXXII]

TRAIANUS PLINIO S.

Ea conditio est civitatis Byzantiorum confluente undique 1
in eam commeantium turba ut secundum consuetudinem prae-
cedentium temporum honoribus eius praesidio centurionis
legionarii consulendum habuerimus. *Si* Iuliopolitanis succur-
rendum eodem modo putaverimus, onerabimus nos exemplo:
plures enim, et quanto infirmiores erunt, idem petent. Fidu- 2
ciam diligentiae tuae habeo ut credam te omni ratione id
acturum ne sint obnoxii iniuriis. Si qui autem se contra dis- 3
ciplinam meam gesserint, statim coërceantur; aut si plus

4 si, om. *Avant. and Ald.*
6 et quanto infirmiores erunt idem petent, *B.*
petent, om. *Avant.*
tanto magis eadem requirent quanto infirmiores erunt, *Ald.*
7 tuae, om. *Avant. and Ald.* add. *Cat.*

§ 1. The condition of Byzantium is so exceptional on account of the crowd of travellers who pass through it, that, in pursuance of the custom of former times, I have thought it fit to assist the magistrates by some legionary soldiers under a centurion. If we should help Iuliopolis in the same way, we should hamper ourselves with a precedent, for other towns, and especially the weaker ones, will ask for the same thing. § 2. I trust to your energy to see that the town is not exposed to injury. § 3. Put down at once any violations of discipline; or if the offence is too great to be punished on the spot, in the case of soldiers, report the matter to their commanding officers, and in the case of travellers to Rome, give information to me.

§ 1. **confluente undique commeantium turba.** Byzantium, in almost as true a sense as Alexandria, might be called the meeting-point of east and west. Ovid (*Trist.* i 11) calls it 'gemini maris ianua.' See Gibbon's description of its situation, vol. ii 287, etc.

§ 2. **plures enim, et quanto,** etc. The Aldine edition reads 'plures enim tanto magis eadem requirent quanto,' etc., but the original reading is shown in the Bodleian copy of Avantius, where 'petent' is added in the margin after 'idem.'

Fiduciam diligentiae tuae. Orelli conjectures 'fiduciam eam,' which, however, is not absolutely necessary.

§ 3. **contra disciplinam meam.** Disciplina here includes the military meaning of the word, but is more extensive, and, as the following words show, applies to civilians as well as soldiers. For disciplinam in a non-military sense cf. Suet. *Caes.* 48, 'domesticam disciplinam'; id. *Aug.* 65, 'disciplina domus'; Cic. *de orat.* i 34, 159, 'disciplina reipublicae.'

in re praesenti, see on *Ep.* 8, 3; 62, 1; here, of course, it means by the 'praeses provinciae.'

legatis eorum. By legati are here to be understood, not the legati of provinces, but the 'legati legionum,' who had under their command not only the soldiers of their legion, but also all the auxiliary alae or cohortes attached to it, Momms. *Hermes*, xix 2. These legati were always of praetorian rank. Cf. Tac. *Hist.* i 48, 'legioni post praeturam praepositus'; id. *Ann.* ii 36. See also Tac. *Ann.* i 44, iv 73, xiv 32; *Hist.* i 57; Marquadt. *Staatsverw.* ii 457, 458.

quod deprehenderis notum facies. This is the emendation of Ritterhusius for the reading of Avantius, 'quae depr. notum fac,' which Döring not very convincingly defends.

si in urbem versus venturi erunt. By these are evidently meant merchants or other civilians on their way home to Rome from the Eastern provinces. For in urbem versus, cf. Cic. *ad Fam.* iv 12,

admiserint quam ut in re praesenti satis puniantur, si milites erunt, legatis eorum quod deprehenderis notum facies; aut si in urbem versus venturi erunt, mihi scribes.

1 amiserint, *Avant.* 2 quod, *Ritterhusius.* quae, *Avant. and Ald.*

'supra Maleam in Italiam versus navigaturus erat;' Sall. *Catil.* 56, 4, 'modo ad urbem modo in Galliam versus castra movere;' Caes. *Bell. Gall.* vi 33, 'ad oceanum versus.'

LXXVIIII [LXXXIII]

De magistratibus provincialium

C. PLINIUS TRAIANO IMPERATORI

1 Cautum est, domine, Pompeia lege, quae Bithynis data est, ne quis capiat magistratum neve sit in senatu minor annorum

§ 1. It was enacted, sire, by the lex provinciae, which Pompeius drew up for Bithynia, that no one should hold a magistracy or be admitted to the senate under the age of thirty years. This implies that those who have held a magistracy have a right to enter the senate. § 2. But by an edict of Augustus, the minor magistracies might be held at the age of twenty-two. § 3. The question arises whether those elected at this age can be admitted into the senate by the censors, and if so, whether by a parity of reasoning those may be admitted under the age of thirty, who, though they have not held one of those minor magistracies, might have done so. This course has been taken, and indeed is said to be necessary, because it is better to admit to the senate the sons of honourable citizens than members of the lower orders. § 4. Having been asked by the censors elect for my opinion, I considered that by interpreting the law and the edict together, those who had held a magistracy might also be admitted to the senate under the age of thirty. § 5. I was doubtful, however, about the case of those who, though qualified by age, had not actually held a minor magistracy, and I have therefore preferred to ask for your instructions. I append the sections of the law in question and the edict of Augustus.

§ 1. **Pompeia lege.** Under the republic, when a new province was to be organised a commission of ten legati of senatorial rank was sent to assist the victorious general in making the necessary arrangements. So they were sent to L. Aemilius Paulus in Macedonia, Livy xliv 18; to Q. Mummius in Achaia. Polyb. 39, 15, to Aquilius in Asia, Strab. 14, p. 646, to Rupilius in Sicily. Cic. *Verr.* ii 16, 40. These 'decem legati' received instructions from the senate, Livy xlv 17, 'in senatu agitata est summa consiliorum ut inchoata omnia legati a domo ferre ad imperatores possent'; though, doubtless, in most cases, the 'imperatores' made what arrangements they liked. The organisation and arrangements of the province were drawn up in the form of a 'lex provinciae,' by which the province was in future to be administered, although imperial edicts, laws, or senatus consulta could alter or modify the 'lex provinciae' in details. Cf. the 'edictum Augusti' mentioned here, and Cic. *ad Att.* v 21, 11, 'At ille profert senatus consultum Lentulo Philippoque consulibus ut qui Ciliciam obtineret ius ex illa syngrapha diceret.' Of these leges provinciae we know of the lex Rupilia for Sicily, Cic. *accus. in Verr.* ii 16, 39, 'legem esse Rupiliam, quam P. Rupilius consul de decem legatorum sententia dedisset: hanc omnes semper in Sicilia consules praetoresque servare'; the lex Aemilia for Macedonia, Livy xlv 32; a lex Metelli for Crete, Livy *Epit.* 100; a lex Aquilii and a lex Pompeii for Asia, Strab. xiv 1, and Dio Cass. 37, 20; and the present lex Pompeia for Bithynia. Dio Cass. 37, 20, ''τά τε πλείω ἔθνη

triginta. Eadem lege conprehensum est ut qui ceperint magistratum sint in senatu. Secutum est dein edictum divi Augusti, 2
quo permisit minores magistratus ab annis duobus et viginti capere. Quaeritur ergo an qui minor triginta annorum gessit 3

τῶν ἐν τῇ Ἀσίᾳ τῇ ἠπείρῳ τότε αὐτοῖς ὄντων νόμοις τε ἰδίοις καὶ πολιτείαις κατεστήσατο καὶ διεκόσμησεν, ὥστε καὶ δεῦρο αὐτοὺς τοῖς ὑπ' ἐκείνου νομισθεῖσι χρῆσθαι'; and Strab. 12 p. 541. Cf. *Ep.* 114, 115. By the lex provinciae (1) the province was divided into regions or civitates, each with its territorium; (2) arrangements were made and districts marked out for the collection of the taxes; (3) the province was divided into conventus for judicial purposes; (4) the mutual relations were defined between the senate, magistrates, and popular assemblies.

ne quis capiat magistratum, etc. There were usually four necessary qualifications for the municipal magistracies and for admission into the decuriones: (1) ingenuitas; cf. Lex Malacit. c. 54, 'qui comitia habere debebit . . . primum II viros . . . deinde . . . aediles item quaestores ex eo genere ingenuorum hominum,' etc.; (2) criminal punishment must never have been undergone: Lex Iul. Municip., 'nei quis . . . in eorum quo municipio . . . in senatu . . . esto . . . quei furti quod ipse fecit fecerit condemnatus pactusve est erit, queive iudicio fiduciae, pro socio, tutelae, mandatis, iniuriarum deve dolo malo condemnatus est erit,' etc.; and Lex Malicit. c. 54, 'ne cuius comitis rationem habeat qui in earum qua causa erit propter quam si civis Romanus esset in numero decurionum . . . eum esse non liceret'; (3) the trades of praeconium, dissignatio, libitina must never have been practised, Lex Iul. Municip. l 94; (4) the candidate must either have served a number of campaigns, or have attained the age of thirty. Lex Iul. Municip. l 89, 'quae minor annos XXX natus est erit, nei quis eorum . . . in municipio colonia praefectura II viratum IIII viratum neve quem alium magistratum petito neve capito neve gerito nisi quei eorum stipendia equo in legione III aut pedestria in legione VI fecerit'; also Cic. *in Verr.* ii 49, 122.

eadem lege comprehensum est. Cf. Lex Malacit. c. 54, 'de quo hac lege cautum comprehensumque est.'

ut qui ceperint magistratum sint in senatu. Cf. Lex Iul. Municip. § 27, 'Quibus hac lege in municipio colonia praefectura . . . in senatu decurionibus conscripteis esse non licebit, ni quis eorum in mun. col. praef. . . . II viratum, IIII viratum, aliamve quam potestatem ex quo honore in eum ordinem perveniat, petito neve capito.' See also the Decretum Tergestinum, Henz. 7168, 'ut—prout qui meruissent vita atque censu, per aedilitatis gradum in curiam nostram admitterentur.' All the magistrates sat in the senate, both during their year of office and after it, until the next quinquennial census, without being formally senators, which they only became after a regular lectio of the censors. Accordingly, there were always two classes of persons in the senate, 'senatores, et quibus in senatu sententiam dicere licet,' the latter of whom passed by each fresh lectio into the former. Cf. Lex Iul. Municip. l 96, 'neve ibi senator, neve decurio neve conscriptus esto, neve sententiam dicito.'

§ 2. **edictum divi Augusti.** Dio Cass. 54, 7, '*καὶ ἐς τὴν Ἀσίαν κομισθεὶς πάντα τὰ ἐκεῖ καὶ τὰ ἐν τῇ Βιθυνίᾳ διέταξεν.*

minores magistratus ab annis duobus et viginti capere. Minores is almost redundant, since the lesser magistracies would of course be held first. *Dig.* 50, 4, 11, 'ut gradatim honores deferantur, edicto, et ut a minoribus ad majores perveniatur, epistula Divi Pii ad Titrinum exprimitur'; and *Dig.* 50, 4, 14, 5, 'gerendorum honorum non promiscua facultas est, sed ordo certus huic rei adhibitus est; nam neque prius maiorem magistratum quisquam, nisi minorem susceperit, gerere potest.' The minimum age for candidates seems to have been generally lowered to twenty-five. *Dig.* 50, 4, 11, 'neque enim minores viginti quinque annis decuriones collegi nisi ex causa possunt'; and Lex Malicit. c. 54. Possibly this change may have been made by Augustus: he certainly made similar changes in connection with the Roman senate. Dio Cass. 52, 20, and we find him here reducing the age still lower.

§ 3. **minor triginta annorum.** See Roby, 1273, 'In descriptions of size, age, etc., plus, amplius, minus, are used

magistratus possit a censoribus in senatum legi, et si potest, an ii quoque qui non gesserint possint per eandem interpretationem ab ea aetate senatores legi a qua illis magistratum gerere permissum est; quod alioqui factitatum adhuc et esse necessarium dicitur, quia sit aliquanto melius honestorum hominum
4 liberos quam e plebe in curiam admitti. Ego a destinatis censoribus quid sentirem interrogatus, eos quidem qui minores triginta annis gessissent magistratum putabam posse in senatum et secundum edictum Augusti et secundum legem Pompeiam legi, quoniam Augustus gerere magistratus minoribus annis triginta permisisset, lex senatorem esse voluisset qui
5 gessisset magistratum. De iis autem qui non gessissent, quamvis essent aetatis eiusdem cuius illi quibus gerere permissum est, haesitabam; per quod effectum est ut te, domine, consulerem quid observari velles. Capita legis, tum edictum Augusti litteris subieci.

2 an ex iis quoque, *Ald.*
possit quis. *Ald.*

6 a destinatis, *B. and Ald.*
adest natis, *Avant.*

with a noun of size, or age, which, if not put in the ablative is subjoined in the proper case with or without quam.' Thus we can have 'minores triginta annis,' see below, § 4; or 'minor quam triginta annorum'; cf. *Dig.* 4, 4, 1, 'minor quam quinque viginti annorum natu'; or as here, 'minor triginta annorum.' Cf. Lex Malacit. c. 54, where both these last forms are used; and Livy xxxviii 38, 'ne minores octonum denum annorum.' The genitive in these cases is the gen. of quality, 'younger than a person of thirty years.'

a censoribus in senatum legi. The lectio senatus took place every five years by the authority of the II viri quinquennales or censores, who then had to make out the 'album decurionum.' So in the album Canusinum, 'II viri quinquennales nomina decurionum in aere incidenda curaverunt.'

an ii qui non gesserint . . . possint senatores legi. At every lectio the censors had three classes of men out of whom to make up the album for the next five years—(1) survivors from the last album; (2) magistrates and ex-magistrates of the last five years; (3) those who, though they had never been magistrates, had all the necessary qualifications. Marquadt, ii p. 187. Men chosen out of this last class were called 'pedani,' and in Rome 'pedarii.' See Aul. Gell. 3, 18, 'Atque haec etiam vocabuli istius ratio, dicitur quam Gabius Bassus in commentariis suis scriptam reliquit. Senatores enim dicit in veterum aetate qui curulem magistratum gessissent, curru solitos . . . in curiam vehi; . . sed eos senatores qui magistratum curulem nondum ceperant, pedibus itavisse in curiam: propterea senatores nondum maioribus honoribus functos, pedarios nominatos.'

quia sit aliquanto melius honestorum hominum liberos quam e plebe in curiam admitti. This evidently implies that in the provincial towns the tendency was already beginning for the better families to abstain from the ordinary cursus honorum, which was thus left to those of more plebeian origin. It was the custom from the time of Augustus for the sons of decuriones to be allowed to be present in the senate, and to be entered in the album under the title of 'praetextati,' but without the right to vote. Cf. Suet. *Aug.* 38, 'liberos senatorum, quo celerius reipublicae adsuescerent, protinus a virili toga latum clavum induere et curiae interesse permisit.' It is possible that the custom grew up of admitting these praetextati into the senate rather than ex-magistrates.

§ 4. **destinatis** = designatis. Cf. Suet. *Caes.* 1, 'flamen dialis destinatus'; *id.* *Tib.* 31, 'destinatos magistratus': Tac. *Ann.* i 3, 'destinari consules.'

LXXX [LXXXIII]

TRAIANUS PLINIO S.

Interpretationi tuae, mi Secunde carissime, idem existimo hactenus edicto divi Augusti novatam esse legem Pompeiam ut magistratum quidem capere possent ii qui non minores duorum et viginti annorum essent, et qui cepissent, in senatum cuiusque civitatis pervenirent. Ceterum non capto magistratu eos qui minores triginta annorum sint, quia magistratum capere possint, in curiam etiam loci cuiusque non existimo legi posse.

1 ut existimo, *Avant.*
idem existimo, *B. and Ald.*
3 duo, *Avant.*
4 quia coepissent, *Avant.*
qui accepissent, *Ald.*

Agreeably with your interpretation, my dear Pliny, I am of opinion that the lex Pompeia was so far modified by the edict of Augustus that any persons of not less than twenty-two years can hold a magistracy, and those who have so held, may be admitted into the senates of their respective towns. But I do not think that men under thirty years who have not held a magistracy can be admitted to the senate, merely because they are capable of holding a magistracy.

Interpretationi tuae . . . idem existimo. This is the marginal reading in the Bodleian copy of Avantius, who read unintelligibly 'ut existimo.'

hactenus, to this extent. Cf. Sen. *Ep.* 88, 'meritoria officia sunt: hactenus utilia, si praeparant ingenium non detinent,' and Plin. *Ep.* ix 15, 3, 'Patrem familiae hactenus ago quod aliquam partem praediorum, sed pro gestatione percurro.'

quia magistratum capere possint. See *Ep.* 79, 'quaeritur an . . . ii qui non gesserint possint . . . ab ea aetate senatores legi a qua illis magistratum gerere permissum est.'

LXXXI [LXXXV]

De Dione qui reliquias suorum religioso loco posuisset

C. PLINIUS TRAIANO IMPERATORI

Cum Prusae ad Olympum, domine, publicis negotiis intra 1
hospitium eodem die exiturus vacarem, Asclepiades magis-

§ 1. While I was attending to public business, sire, at Prusa, on the last day of my stay there, I learnt that an appeal was made to me by Claudius Eumolpus. It seems that at a meeting of the senate Cocceianus Dio wished some public work, of which he had had the management, to be handed over to the town, but Eumolpus, representing Flavius Archippus, insisted that the expenses of the work must be first audited, as he had made an improper use of the money. § 2. He added that your statue had been placed in the temple in question, although the bodies of Dio's wife and daughter were buried there, and begged me to investigate the matter publicly. § 3. I consented, and offered to delay my departure, but he begged for a longer time to prepare his case, and urged that the trial should be held in another town. § 4. I fixed on Nicaea, but when the day ar-

tratus indicavit appellatum me a Claudio Eumolpo. Cum Cocceianus Dion in bule adsignari civitati opus cuius curam

2 cocciamis diambulae, *Avant.*

rived, Eumolpus again pleaded want of preparation, and asked for a longer adjournment. § 5. Dio, however, demanded an immediate hearing. After many arguments on both sides, I determined to grant the adjournment, and meanwhile to ask your advice, and I therefore ordered both parties to draw up a memorial of their demands, in order that you might see the case stated in their own words. Dio promised to do so, but Eumolpus, though he was willing to state the claims of the town in a memorial, professed, that in regard to the question of interment, he was merely the advocate of Archippus. § 6. The latter promised to draw up a memorial. At present, though I have waited many days. they have neither of them done so. Dio's memorial I append to this letter. § 7. I visited the spot myself, and saw your statue placed in the library. The spot where the bodies are said to be interred is in an unoccupied space, shut in by a colonnade. I especially ask for your instructions, as the case naturally excites great attention, since the facts are not denied and are defended by precedents.

§ 1. **Prusae ad Olympum.** See on *Ep.* 17.

intra hospitium, in the governor's lodgings. A house would be provided for the entertainment of a provincial governor during his stay in any town.

eodem die exiturus. Cf. *Ep.* 67, 'quod ipse proficiscebar in diversam provinciae partem.'

appellatum me, *i.e.* to give a decision in the case.

Claudio Eumolpo. The Emperor Claudius had probably in some way assisted the town of Prusa or given it some additional privileges. See *Ep.* 70, where the name of Claudius is borne by another inhabitant of the town, who also left a house to the emperor Claudius by his will and dedicated a shrine to him. Compare with this the frequency of the name Iulius in Gaul, of Flavius in Spain to which Vespasian gave the 'ius Latii,' and of Ulpius in the towns along the Danube frontier, founded or reconstituted by Trajan.

Cocceianus Dion. Dio, surnamed Chrysostomus, seems to have received the name Cocceianus on account of his intimate friendship with the emperor Nerva, of whom he speaks (Or. xlv) as '*αὐτοκράτορος φιλανθρώπου κἀμὲ ἀγαπῶντος καὶ πάλαι φίλου.*' After travelling in Egypt and elsewhere he gave himself up to rhetoric and philosophy in his native city of Prusa, where his father Pasicrates had left him a considerable property, until under Domitian he went to settle in Rome. He was, however, suspected by Domitian, and was included in his sentence of banishment upon all philosophers from Rome and Italy. Suet. *Dom.* 10, 'philosophos omnes urbe Italiaque summovit.' He then wandered, disguised as a beggar, among the Danubian tribes, and on Domitian's death was the means of winning over the Danubian legions to his friend Nerva. He then returned to Rome; Or. xlv, '*ἀνήγειν μὲν πρὸς τὸν βέλτιστον Νέρβαν*,' by whom and also by Trajan he was held in great favour. '*Τραιανὸς γοῦν ὁ αὐτοκράτωρ ἀναθέμενος αὐτὸν ἐπὶ τῆς Ῥώμης εἰς τὴν χρυσῆν ἅμαξαν ἐφ' ἧς οἱ βασιλεῖς τὰς ἐκ τῶν πολέμων πομπὰς πομπεύουσιν ἔλεγε θαμὰ ἐπιστρεφόμενος ἐς τὸν Δίωνα Τί μὲν λέγεις οὐκ οἶδα φιλῶ δέ σε ὡς ἐμαυτόν.*' Notwithstanding this, however, when the Prusensians sent an embassy to invite him back to Prusa, he gave up all his prospects of advancement at Rome and returned home. But though he strove to increase the splendour and importance of his native town by public buildings and by inducing Trajan to make it a conventus for judicial proceedings (Or. xl, '*εὖ γὰρ ἴστε ὅτι καὶ τοῖς οἰκοδομήμασι καὶ ταῖς ἑορταῖς καὶ τῷ δικάζειν αὐτοὶ καὶ τῷ μὴ παρ' ἑτέροις ἐξετάζεσθαι μήδε συντελεῖν ἄλλοις . . . πέφυκε τὸ φρόνημα τῶν πόλεων καὶ μεῖζον ἀξίωμα γίγνεσθαι τὸ τοῦ δήμου, καὶ πλέονος τυγχάνειν τιμῆς καὶ παρὰ τῶν ἐπιδημούντων ξένων καὶ παρὰ τῶν ἡγεμόνων*'), and though he spent his own money freely on these and similar objects (Or. xlvi, '*λελειτούργηκα δὲ ὑμῖν τὰς μεγίστας λειτουργίας*'), he was never popular, and finally returned to Rome and remained there till his death.

in bule. Cf. *Ep.* 110, 'bule et ecclesia consentiente'; 112, 'eos qui in bulen a censoribus leguntur'; and 116; also buleutae in *Ep.* 39.

adsignari is explained below by tradi.

egerat vellet, tum Eumolpus adsistens Flavio Archippo dixit exigendam esse a Dione rationem operis ante quam rei publicae traderetur, quod aliter fecisset ac debuisset. Adiecit etiam 2
esse in eodem positam tuam statuam et corpora sepultorum, uxoris Dionis et filii, postulavitque ut cognoscerem pro tribunali. Quod cum ego me protinus facturum dilaturumque pro- 3
fectionem dixissem, ut longiorem diem ad instruendam causam

1 Eumolpus adsistens, *Cat.* Eumolpus adsistente, *Ald.*
4 in aedem, *Avant.*; in eodem opere, *Ald.* 7 ad struendam, *Avant. and Ald.*

In the *Digest*, 18, 162, etc., the word is used of property handed over by the vendor to the purchaser.

opus cuius curam egerat. We learn from Dio's speeches what this was. Having succeeded in getting Prusa made a conventus, he wished to make it worthy of its position by splendid public buildings. He therefore offered generous donations himself and got his friends also to subscribe towards building an extensive porticus or colonnade. Or. xl., p. 487, '*λόγον τινὰ εἶπον ὑπὲρ ἔργου τινος, οὐκ αὐτὸς μόνον ἀλλὰ καὶ τῶν ἡγεμόνων ἐσπουδακότων . . . βουλομένων τὴν πόλιν ἄμεινον κατασκευάζειν καὶ σεμνοτέραν ποιεῖν ἅπασαν.*' Of this work he himself voluntarily took charge (curam egit), '*ἐπεὶ δὲ ἀρχὴν ἔλαβεν ὅσα μὲν αὐτὸς ἔπαθον μετρῶν καὶ διαμετρῶν καὶ λογιζόμενος ὅπως μὴ γένοιτο ἀπρεπὲς μήδε ἀχρεῖον . . . καὶ τελευταῖον εἰς τὰ ὄρη φθειρόμενος, οὐκ ὢν ἔμπειρος τῶν τοιούτων οὐδένος οὐδὲ ἀπορῶν ἔργου τινος . . . ἐῶ νῦν ἐπεξιέναι.*'

adsistens Flavio Archippo, representing, *i.e.* as counsel. Cf. Plin. *Ep.* vii 6, 3, 'adsistebam Vareno,' and *Dig.* 6, 1, 54.

Flavio Archippo. See *on Ep.* 58.

exigendam esse rationem operis. Dio, as having had charge of money subscribed for a public object, would be obliged, if required, to render in his *εὐθύναι*. See Schömann, *Antiq. of Greece*, p. 407. This inquiry would give the opportunity, even if there had been no misappropriation of the money, to criticise Dio's management of the matter from the commencement. The demand being made, though it was probably made maliciously, could not but be allowed by Trajan. See *Ep.* 82, 'ratio totius operis effecti sub cura Cocceiani Dionis excutiatur,' etc.

quod aliter fecisset ac debuisset. In constructing the porticus it was found necessary to pull down a private smithy, and this was seized as an opportunity by Dio's enemies to raise the cry that he was demolishing the city; although as a matter of fact the building pulled down was so mean and low, '*ὥστε μήδε τοῖς χαλκεῦσιν ἐξῆν διάρασθαι σχέδον, ἀλλὰ εἰργάζοντο κεκυφότες.*' See Or. xl, p. 487, '*καὶ τινες ἦσαν οἱ σφόδρα ὀδυρόμενοι τὸ χαλκεῖον τὸ τοῦ δεῖνος, χαλεπῶς ἔχοντες εἰ μὴ μενεῖ ταῦτα τὰ ὑπομνήματα τῆς παλαιᾶς εὐδαιμονίας.*'

§ 2. **in eodem.** The reading of Avantius 'in aedem,' or even the emendation of Beroaldus 'in aede,' can hardly be correct, because Pliny says (§ 7) that the statue was in a bibliotheca: while the bodies were in the open area. In eodem would be loosely in 'the same building,' by which the accusers wilfully misrepresented the facts.

tuam statuam et corpora sepultorum. This under the *régime* of Tiberius or Domitian might have been magnified into a charge of 'maiestas.' Cf. Suet. *Tib.* 58, 'statuae quidam Augusti caput dempserat, ut alterius imponeret . . . Damnato reo, paullatim hoc genus calumniae eo processit ut haec quoque capitalia essent; circa Augusti simulacrum servum cecidisse, vestimenta mutasse,' etc. Tac. *Ann.* i 74; Dio Cass. 57, 24; and 67, 12, '*γυνὴ γάρ τις ὅτι ἀπεδύσατο ἐνάντιον εἰκόνος τοῦ Δομιτιανοῦ ἐκρίθη τε καὶ ἀπώλετο.*'

§ 3. **ad instruendam causam.** Cf. Cic. *pro. Cluent.* 6. 'Hoc enim ipsum iudicium, hoc periculum, illa accusatio, omnis testium copia . . . a matre hoc tempore instruitur,' and 'instruit accusatores, instruit testes'; also Tac. *Ann.* ii 74, 'qui crimina et accusationem tanquam adversus receptos iam reos instruebant.' Cic. *Verr.* ii 4, 19, 'ad iudicium nondum se satis instruxerat *Dig.* 22, 4, 1, 'Instrumentorum nomine ea omnia accipienda sunt quibus causa instrui potest; et ideo tam testimonia

4 darem utque in alia civitate cognoscerem petiit. Ego me auditurum Nicaeae respondi. Ubi cum consedissem cognituros, idem Eumolpus, tamquam adhuc parum instructus, dilationem
5 petere coepit: contra Dion ut audiretur exigere. Dicta sunt utrimque multa, etiam de causa. Ego cum dandam dilationem et te consulendum existimarem in re ad exemplum pertinenti, dixi utrique parti ut postulationum suarum libellos darent. Volebam enim te ipsorum potissimum verbis ea quae erant proposita cognoscere. Et Dion quidem se daturum dixit:
6 Eumolpus respondit conplexurum se libello quae rei publicae peteret, ceterum quod ad sepultos pertineret, non accusatorem se sed advocatum Flavii Archippi, cuius mandata pertulisset. Archippus, cui Eumolpus sicut Prusiade adsistebat, dixit se libellum daturum. At nec Eumolpus nec Archippus quam plurimis diebus expectatis adhuc mihi libellos dederunt: Dion
7 dedit, quem huic epistulae iunxi. Ipse in re praesenti fui et

2 ubi consedissem, *Avant.* ubi cum sedissem, *Ald.*
6 te, om. *Avant. and Ald.*
11 pertineret, *Schaeffer.* pertinet, *Avant. and Ald.*
13 qui Eumolpus sicut Prusiade, *Avant.* cui Eumolpus sicut Prusiade, *B. and Ald.*
14 At, *Schaeffer*; Ita, *Avant. and Ald.*

quam personae instrumentorum loco habentur.'

ut in alia civitate cognoscerem. Professedly to secure impartiality; really perhaps to prevent the discovery to which Pliny's personal visit to the building in question led. See § 7.

§ 4. **ubi cum consedissem.** This is Orelli's emendation for the reading of Avantius 'ubi consedissem.' The 'cum' may easily have dropped out owing to the following 'con.' Cf. Cic. *Verr.* ii 1, in 7, § 19, 'quo die primum iudices citati in hunc reum consedistis.' Suet. *Calig.* 38, 'Cognoscebat autem de talibus causis, taxato prius modo summae, ad quem conficiendum consideret.'

tamquam, on the ground that. Cf. from Furneaux's list, p. 51, Tac. *Ann.* i 12, 6; ii 84, 3; xii 39, 5; xiii, 43, 8; xiv 41, 1.

§ 5. **etiam de causa**, *i.e.* the parties did not confine themselves to the question of adjournment (dilatio).

in re ad exemplum pertinenti. Cf. on *Ep.* 29.

libellos darent. Cf. *Ep.* 59 and 60 and 47, 'exegi ut quae dicebant quaeque recitabant in libello complecterentur.'

quae rei publicae peteret, *i.e.* 'rationem operis exigendam esse.'

§ 6. **advocatum Flavii Archippi.** Cf. above 'adsistens Fl. Arch.'

sicut Prusiade. Taking Prusiade to be an adjective as in *Ep.* 58, we must understand conventu or regione. The reading of Avantius is here corrupt, 'qui Eumolpus sicut Prusiade.' The Ald. ed. has 'cui Eumolpus sic ut Prusiade,' probably from a collation of the MS.; but 'ut Prusiade' can hardly be right, as all concerned in the case were citizens of Prusa. It, however, suggests the right reading, 'sicut Prusiade.'

At. Ita, the reading of Avantius, can hardly be correct here, because even if, as Döring and Schäffer maintain, it often means tum or deinde, this is not the meaning required here. We rather want 'but' or nevertheless; probably, as Keil suggests, 'at' is the correct reading.

§ 7. **in re praesenti,** on the spot. See on *Ep.* viii 3; and *Ep.* 61, 1.

in bibliotheca positam. The bibliotheca was probably an exedra, which, as Vitruvius says, 'constituuntur in porticibus.' See Suet. *Aug.* 58, 'addidit porticus cum bibliotheca.' On the custom of placing busts and statues in libraries both public and private, cf. Plin. h. n. xxxv 2, 'si quidem nunc ex auro argentove aut certe ex aere in bibli-

vidi tuam quoque statuam in bibliotheca positam: id autem in quo dicuntur sepulti filius et uxor Dionis in area conlocatum, quae porticibus includitur. Te, domine, rogo ut me in hoc 8
praecipue genere cognitionis regere digneris, cum alioqui magna sit expectatio, ut necesse est in ea re quae et in confessum venit et exemplis defenditur.

2 filii eius et, *Avant.* 5 sit, *Avant and Ald.*; est, *Orell.* 6 defenditur deliberare. *Ald.*

otheca dicantur illis quorum immortales animae in locis iisdem loquuntur;' and *id. ib.* vii § 115, 'M. Varronis in bibliotheca quae prima in orbe ab Asinio Pollione ex manubiis publicata Romae est, unius viventis posita imago est.' Suet. *Tib.* 70, 'quibus poetis admodum delectatus, scripta eorum et imagines publicis bibliothecis inter veteres et praecipuos auctores dedicavit.' Mart. ix *Ep. ad Turanium*, 'Epigramma . . . ad Stertinium clarissimum virum scripsimus qui imaginem meam ponere in bibliotheca sua voluit.' Plin. *Ep.* iv 28, 1, 'Herennius Severus . . . magni aestimat in bibliotheca sua ponere imagines municipum tuorum.'

in area; see on *Ep.* 70, 3.

§ 8. **in hoc praecipue genere cognitionis**, *i.e.* in a case of maiestas.

ut necesse est. This is Orelli's emendation for 'ut necesse sit' of Avantius. As this latter reading was evidently incomplete by itself, Aldus added the word 'deliberare' at the end of the sentence. Orelli's slight alteration, however, makes the reading of the prima ed. quite intelligible and satisfactory.

in confessum venit. Cf. Quint. v 14, 28, 'ad liquidum confessumque perducere omnia'; *id.* vii 1, 48, 'adhuc versamur in confessis'; Vell. Paterc. ii 85, 5, 'fuitque in confesso'; Tac. *de orat.* 25, 'dummodo in confesso sit'; also in Seneca and Pliny the elder. Here the reference is either to Dio's libellus, or to common notoriety. Pliny had himself seen that the statue and the sepulchre were in the building, though not under the same roof.

et exemplis defenditur. This seems on the whole better than Mommsen's suggestion 'nec exemplis defenditur.' The general expectation which the case occasioned would be better explained by the fact that many others were in the same position as Dio, and that hitherto the propriety of such proceedings had not been questioned.

LXXXII [LXXXVI]

TRAIANUS PLINIO S.

Potuisti non haerere, mi Secunde carissime, circa id de quo 1
me consulendum existimasti, cum propositum meum optime

You could hardly have really doubted, my dear Pliny, about the matter on which you thought it necessary to consult me. You knew it was not my policy to gain respect for my person by fear and terror or charges of treason. Dismissing therefore that side of the question which, even if there were precedents to support it, I should not pursue further, you must exact a full account of the work carried out by Dio, a course required by the public advantage of the town, and one to which Dio neither does nor can with propriety object.

§ 1. **Potuisti non haerere.** There is a certain amount of annoyance about the tone of Trajan's answer, which considering Trajan's well-known moderation, his friendship for Dio, and the trumpery nature of the charge, is perhaps not uncalled for.

cum propositum meum optime

nosses non ex metu nec terrore hominum aut criminibus
2 maiestatis reverentiam nomini meo adquiri. Omissa ergo ea quaestione, quam non admitterem, etiam si exemplis adiuvaretur, ratio totius operis effecti sub cura Cocceiani Dionis excutiatur, cum et utilitas civitatis exigat nec aut recuset Dion aut debeat recusare.

4 tua, add. *Avant. and Ald.* sub cura tua a Cocceiano Dione, *Cat.*

5 ei litis, *Avant.* civitatis, *B. and Ald.*

nosses, etc. Pliny certainly professed to know this when he pronounced his Panegyric; see *Panegyr.* 42, 'Locupletabant et fiscum et aerarium non tam Voconiae et Iuliae leges quam maiestatis singulare et unicum crimen eorum qui crimine vacarent. Huius tu metum penitus sustulisti, contentus magnitudine qua nulli magis caruerunt quam qui sibi maiestatem vindicabant.' Cf. also §§ 34 and 35, on the fate of the delatores under Trajan.

etiam si exemplis adiuvaretur. As a matter of fact the exempla were on the other side, 'et exemplis defenditur.'

sub cura Cocceiani Dionis. The oldest editions have 'sub cura tua Cocceiani Dionis,' which is evidently faulty somewhere. Orelli conjectures 'sub curatura C. D.' which, though ingenious, it is impossible to accept owing to the rareness of the word 'curatura.' Catanaeus reads 'sub tua cura a Cocceiano Dione,' which implies that Pliny would superintend the examination, which, though possible, is hardly likely. The same objection lies against the reading of the ed. Basileensis, 'sub cura tua Cocceiano Dioni.' On the whole, I have thought it better to cut the knot by omitting 'tua' altogether.

utilitas civitatis exigat. This is the reading of the Aldine edition. It is confirmed by a marginal reading in B. The emendations of Beroaldus, 'utilitas eius exigat,' and of Catanaeus, 'utilitas reipublicae id exigat,' are uncalled for.

LXXXIII [LXXXVII]

De Nicaeensibus

C. PLINIUS TRAIANO IMPERATORI

Rogatus, domine, a Nicaeensibus publice per ea quae mihi et sunt et debent esse sanctissima, id est per aeternitatem tuam salutemque, ut preces suas ad te perferrem, fas non putavi negare acceptumque ab iis libellum huic epistulae iunxi.

Being implored, sire, on the part of the Nicaeans by what I am bound to hold most sacred, your immortal name and prosperity, to carry their petitions to you, I could not refuse their request, and I append their memorial to this letter.

per aeternitatem tuam, etc. Cf. on *Ep.* 59, etc.

LXXXIIII [LXXXVIII]

TRAIANUS PLINIO S.

Nicaeensibus, qui intestatorum civium suorum concessam vindicationem bonorum a divo Augusto adfirmant, debebis

It will be your duty to give your serious attention to the Nicaeans, who assert that they are entitled, by an edict of Augustus, to claim the property of all citizens of

vacare contractis omnibus personis ad idem negotium pertinentibus, adhibitis Virdio Gemellino et Epimacho, liberto meo, procuratoribus, ut aestimatis etiam iis quae contra dicuntur quod optimum credideritis statuatis.

Nicaea who die intestate. You must summon all persons who are concerned in this matter, and take counsel with Gemellinus and Epimachus, my procurators, in order that, after carefully weighing the statements on the other side, you may come to a fair decision.

intestatorum civium suorum, etc. By the rules of intestate succession, the bonorum possessio went (1) to the 'sui heredes,' (2) failing these, to the agnati, or (3) to the gentiles. If all these failed the property became 'bona vacantia' and by the Lex Iulia et Papia Poppaea, it passed to the fiscus; Gaius, iii 1-10, and Ulp. *Frag.* 28, 7. There were, however, some special exceptions to this. The property of a soldier dying intestate passed to the legion; *Dig.* 28, 3, 6, 7, 'si intestato decessit, cognatis aut si non sint, legioni ista sint vindicanda,' and *Cod. Iustin.* 6, 62, 2. The property of curiales or decuriones in like manner passed to the curia or ordo; *Cod. Iustin.* 6, 62, 4, 'Intestatorum curialium bona, si sine herede moriantur, ordinibus patriae eorum adipisci praecipimus.' Also some corporations such as the navicularii succeeded to the property of their intestate members. A similar privilege Augustus had apparently granted to Nicaea.

vindicationem. 'This was the usual real action by which a title to any property could be made out.'—Hunter, *Rom. Law*, p. 76.

a divo Augusto. See on *Ep.* 79, 2.

vacare. Cf. Plin. *Ep.* iii 5, 15, 'huic uni curae vacare'; Vell. Paterc. ii 114, 1, 'huic uni negotio vacare'; Tac. *Ann.* xvi 22, 'clientium negotiis vacare'; Suet. *Aug.* 25, 'libellis legendis et rescribendis vacare.'

adhibitis . . . procuratoribus. On the procurators in senatorial provinces see on *Ep.* 27. Here the procurators would be sent for in the interests of the fiscus, to which the property in question would under ordinary circumstances come rather than to the civitas.

Virdio Gemellino. See on *Ep.* 27.

Epimacho, probably, like Maximus, an assistant of Gemellinus. The next letter seems to imply that Maximus was leaving Bithynia.

quae contra dicuntur, *i.e.* in the interests of the fiscus.

LXXXV [XVII]

Commendat quos expertus est

C. PLINIUS TRAIANO IMPERATORI

Maximum, libertum et procuratorem tuum, domine, per omne tempus quo fuimus una probum et industrium et diligentem ac sicut rei tuae amantissimum ita disciplinae tenacissimum expertus, libenter apud te testimonio prosequor ea fide quam tibi debeo.

1 meum, *Avant.*

Maximus, your freedman and procurator, has been, during the whole time of our connection with one another, honest, energetic, and industrious; he has been most zealous in your interests, and a firm maintainer of discipline. I can conscientiously testify to his merits.

Maximum. See on *Ep.* 27.

per omne tempus quo fuimus una. Pliny had hardly been a year in the province up to this time. Cf. *Ep.* 17 with *Ep.* 88, both referring to Trajan's birthday.

disciplinae tenacissimum. That Maximus, at any rate temporarily, had soldiers under him we know from *Ep.* 28, 'Maximum recte militibus instruxisti.'

testimonio prosequor. Cf. *Ep.* 86, 'voto et suffragio prosequor.'

ea fide quam tibi debeo. Cf. *Ep.* 86

LXXXVI A [XVIII]

C. PLINIUS TRAIANO IMPERATORI

1 Gabium Bassum, domine, praefectum orae Ponticae, integrum, probum, industrium, atque inter ista reverentissimum mei expertus, voto pariter et suffragio prosequor ea fide quam tibi debeo.

1 orae Ponti, *Avant. and Ald.*

Gabius Bassus, the praefect of the Pontic coast, has been honourable, honest, and energetic, and also respectful in his relations to myself. I can conscientiously assist him with my good wishes and recommendation.

Gabium Bassum. See on *Ep.* 21.

inter ista, amid his duties to you: with reference to integrum, probum, industrium, and in opposition to mei.

reverentissimum. Cf. *Ep.* 21, 'reverentissime et officiosissime venit ad me.'

voto et suffragio prosequor. Cf. Cic. *Tusc. Disp.* ii 25, 61, 'quem ut honorificis verbis prosecutus esset;' Plin. *Ep.* viii 6, 5, 'Senatus gratias egit Caesari, quod et ipse cum summo honore mentionem eius prosecutus esset.' On **votum** cf. Plin. *Ep.* v 8, 3, 'id enim voto meo sufficit; illud supra votum.' Suet. *Aug.* 51, 'neque votum sibi neque animum deesse confodiendi eum'; On **suffragium** cf. Cic. *Phil.* ii 17, 42, 'rhetor suffragio tuo et compotorum tuorum'; Hor. *Epist.* i 19, 37, 'Non ego ventosae plebis suffragia venor.' We may infer from this and the preceding letter that the system of testimonials was regularly in vogue under the empire. While the subordinate officials received testimonials from the governors of the province, the governors themselves received similar testimonials from the provincial concilia, which might also lay complaints before the senate or emperor and accuse them of 'repetundae.' See Dio Cass. 56, 25, 'ὅτι τινὲς μαρτυρίας παρ' αὐτῶν καὶ ἐπαίνους προσπαρασκευαζόμενοι, πολλὰ διὰ τούτου ἐκακούργουν'; Tac. *Ann.* xv 20, 'Claudius Timarchus Cretensis reus agitur . . . quod dictitasset in sua potestate situm an proveconsulibus, qui Cretam obtinuissent, grates agerentur'; and although a decree was carried 'auctore principe (Nero) ne quis ad concilium sociorum referret agendas apud senatum propraetoribus proveconsulibus grates,' the practice was continued much later. Lamprid. *Alex. Sev.* 22, 'praesides provinciarum quos vere non factionibus laudari comperit . . . muneribus adiuvit.' Ammian. Marcell. 30, 5, 8.

LXXXVI B

Fabium Valentem instructum commilitio tuo valde probo, cuius disciplinae debet quod indulgentia tua dignus est.

1 Fabium Valentem . . . valde probo, *B. and Cat.*
quam ea quae speret instructum, *Avant.*
quam abunde ea quae speret instructum, *Ald.*
quem abunde conspexi instructum, *Cat.*[2]

I strongly recommend Fabius Valens, who has seen service under you, to which indeed he owes whatever claims he has upon your favour. His justice and courtesy are testified to both publicly and privately by soldiers and civilians alike. This I certify with the good faith which my duty to you demands.

Fabium Valentem . . . valde probo. This is an extremely difficult passage, and it is with much hesitation that I adopt the reading in the text. Avantius makes no division into two letters (indeed, he includes 85, 86, and 87 under the number LVI with the heading 'Commendat quos expertus est'), and reads after quam tibi debeo—'quam ea quae speret instructum'; which Aldus follows, only inserting 'abunde' between 'quam' and 'ea.' It is possible that

Apud me et milites et pagani, a quibus iustitia eius et humanitas 2 penitus inspecta est, certatim ei qua privatim qua publice testimonia perhibuerunt. Quod in notitiam tuam perfero ea fide quam tibi debeo.

2 testimonio, *Avant.* 3 pertribuerunt, *Avant. and Ald.* retribuerunt, *Cat.*

'abunde' depends on a misreading of the *Codex*, since it occurs in the margin of the Bodleian copy, though deleted. If we had no other authority it would probably be best to adopt Orelli's conjecture, 'tanquam abunde ad ea quae speret instructum,' either as a continuation of the previous clause, or, as Keil supposes, as the incomplete beginning of another letter. Catanaeus, however, in his first edition, discarding the words 'quam . . . quae speret,' began a fresh letter with the words 'Fabium Valentem . . . valde probo.' As long as this stood alone on the mere authority of Catanaeus it was impossible to accept it; but singularly enough the same reading is found in the margin of the Bodleian copy, which in other cases seems to go back directly to the *Codex*, and though I am unable to explain clearly this agreement between Catanaeus and the margin of B., an agreement which recurs in two or three cases in the earlier Books, it seems to me at any rate that their joint authority is greater than that of Avantius and Aldus. It is possible that Catanaeus may have had before him the copy of the MS. which Avantius used, and may have deciphered it better, and that Iucundus derived the same reading direct from the *Codex*. It does seem quite possible that Valentem may underlie 'abunde.' I am unable, however, to explain the divergency between 'quae speret' and 'valde probo' except by supposing that Leander or Avantius, not being able to make out the original, made a mere guess. In any case the repetition of 'ea fide quam tibi debeo' is almost conclusive against making it all one letter.

commilitio tuo. He had probably served under Trajan in the Dacian wars. Cf. *Ep.* 26, 'parciorem me in laudando facit quod spero . . . integritatem eius . . . ex commilitio esse notissimam.'

milites et pagani. Cf. *Ep.* vii 25, 6, 'sunt enim ut in castris, sic etiam in literis nostris, plures cultu pagano'; Suet. *Aug.* 27, 'admissa turba paganorum apud milites'; id. *Galb.* 19, 'per publicum dimota paganorum turba'; Juv. xvi 33, 'citius falsum producere testem Contra paganum possis, quam vera loquentem Contra fortunam armati contraque pudorem'; Tac. *Hist.* i 53, 'inter paganos corruptior miles'; ii 14, iii 24, iv 20.

perhibuerunt. There seems to be hardly any doubt that perhibuerunt is the correct reading here, as in *Panegyr.* 95 we should read 'antiquissimum testimonium perhibuistis.' Cf. also Varro, *Re Rust.* ii 5, 1; Plin. h. n. vii 30, 31, § 112; vii 38, 39, § 127. The reading of Avantius is pertribuerunt, which, if correct, would be an ἅπαξ λεγόμενον; while the emendation of Catanaeus (retribuerunt), generally adopted by later editors, is nowhere used in the simple sense of tribuo or attribuo. The passage in Cic. *pro Rosc. Com.* 15, 44, cited by Ernesti, is not a case in point: 'fructum quem meruerunt retribuam'; where retribuam = reddam = 'pay back what is due.'

LXXXVII [XVIIII]

C. PLINIUS TRAIANO IMPERATORI

Nymphidium Lupum, domine, primipilarem, commilitonem 1 habui, cum ipse tribunus essem, ille praefectus: inde familiariter

§ 1. Nymphidius Lupus, sire, formerly a chief centurion, is an old comrade of mine. When I was military tribune, he commanded a cohort. § 2. Our friendship begun then has been strengthened since. I therefore insisted on his accompanying me to Bithynia as one of my advisers; and he in spite of his age and desire for rest consented. § 3. Accordingly I consider his relations to be also mine, and especially

2 diligere coepi. Crevit postea caritas ipsa mutuae vetustate amicitiae. Itaque et quieti eius inieci manum et exegi ut me in Bithynia consilio instrueret. Quod ille amicissime et otii et senectutis ratione postposita et iam fecit et facturus est.

2 exuit me, *Avant.*
exegi ut me, *B. and Ald.*

3 extrueret, *Avant.*

---

his son, a young man of upright character and energy, who is worthy of his father's example, and will show himself capable of discharging any office you may confer on him. His behaviour in his first responsible post is a proof of this, since as praefect of an auxiliary cohort he received most excellent testimonials both from Iulius Ferox and Fuscus Salinator. The promotion of my friend's son will be a personal pleasure and a joy to me.

primipilarem. The primus pilus (C. I. L. v 4373), or primipilus (Orell. 799 and 3444; Caes. B. G. ii 25), or primi pili centurio (Tac. *Hist.* iii 22) or primi ordinis centurio (Tac. *Ann.* i 29), or qui primum pilum ducit (Caes. B. G. v 35), was the first centurion and best soldier in the legion. The name was derived from the old division of the legion into hastati, principes, and triarii, the latter of whom were also called pilani, and each division of them a pilus. The lowest centurion was 'decimus hastatus posterior,' and the highest was 'primus pilus prior,' who had charge of the aquila. When the legion was divided into ten cohorts, the division into hastati, principes, and triarii was given up, but the names were retained for marking the rank of the centurions. Thus the six centurions of the first cohort would be primus pilus prior, primus hastatus prior, primus princeps prior, primus pilus posterior, and so on. As a rule, centurions, when they had attained the rank of primipilus, retired from the service under the title of primipilares, receiving rich rewards. Cf. Mart. i 31, 3, 'meriti praemia pili'; *Dig.* 54, 4, 23, 'ex ratione primipili commodorum'; Plin. h. n. xiv 19; Suet. *Calig.* 24; Juv. xiv 197, 'Ut locupletem aquilam tibi sexagesimus annus Adferat.' It also made possible admission to the equestrian order: Mart. vi 58, 20, 'Et referes pili praemia clarus eques'; Orell. 3049, 'ex militia in equestrem dignitatem translato'; C. I. L. viii 9290, 'M. Cocceio Romano eq. R. p(rimi) p(ilari).' After becoming primipilares, however, they were often employed on special services: Tac. *Ann.* ii 11, iv 72, 'donec Olennius e primipilaribus regendis Frisiis impositus'; xiii 36, 'curam praesidiorum Paccio Orfito primi pili honore perfuncto mandat'; *Hist.* i 87, iv 15. Primipilares frequently as equites took a prominent position in the municipal towns: Wilman, 688, 'P. Magno Amando primipilari inter quinquennalicios adlecto,' also 692. See Marquadt, *Staatsverw.* ii pp. 368-377.

cum ipse tribunus essem. Young men of equestrian or senatorial rank usually as a preliminary career served as tribuni militum. Cf. Plin. *Ep.* vi 31, 4, 'tribuno militum honores petituro'; Dio Cass. lxvii 12, 4, '*νεανίσκος* 'Ιούλιος *Καλλόναστρος κεχιλιαρχήκως ἐς Βουλείας ἐλπίδα*'; Sen. *Ep.* v 6, 10, 'Variana clade multos splendidissime natos senatorium per militiam auspicantes gradum fortuna depressit'; Suet. *Aug.* 38, 'liberis senatorum . . . militiam . . . auspicantibus non tribunatum modo legionum sed et praefecturas alarum dedit.' Thus Velleius was first tribunus militum (2, 101); then praefectus equitum (2, 104); then successively quaestor, legatus, and praetor. But in later times the tribuneship was the only military post held by those who went through the senatorial as opposed to the equestrian career. Cf. the case of Trajan p. 1. Pliny (see life of Pliny, p. 19) was tribune of the III Gallica stationed in Syria. See Pliny's inscrip. p. 16, and Orell. 1172, and cf. *Ep.* i 10, 3, 'in Syria cum adolescentulus militarem'; iii 11, 5, 'cum in Syria tribunus militarem'; viii 14, 7, etc.

praefectus, *i.e.* not praefectus cohortis as § 3, but more probably praefectus castrorum. Since the time of Domitian each legion had a separate camp, and accordingly a separate 'praefectus castrorum': Suet. *Dom.* 7, 'geminari legionum castra prohibuit,' etc. They were usually appointed from the primipilares: Tac. *Ann.* i 20, 'Rufus diu manipularis, dein centurio, mox castris praefectus'; Wilman, 895, 'C. Norbanus Quadratus prim. pil. trib. milit. praef. castr.' On the duties of the praef. castr. see Tac. *Ann.* i 32; xii 38; *Hist.* ii 2, 26; ii 29; iii 7. It seems probable that the elder

Quibus ex causis necessitudines eius inter meas numero, filium 3 in primis, Nymphidium Lupum, iuvenem probum, industrium et egregio patre dignissimum, suffecturum indulgentiae tuae; sicut primis eius experimentis cognoscere potes, cum praefectus

4 primus, *Avant.*

Nymphidius Lupus was praefectus castrorum: (1) because Pliny would almost certainly have added the word 'cohortis' as below; (2) as tribunus militum he would probably be brought into closer connection with the praef. castr. than with the praefect of a cohort, though Pliny particularly mentions his friendship with Claudius Pollio, praefectus of an ala: *Ep.* vii 31, 2, 'Hunc cum simul militaremus non solum ut commilito inspexi: praeerat alae miliariae; ego iussus a legato consulari rationes alarum et cohortium excutere huius sollicitam diligentiam inveni.'

quieti eius inieci manum. Manum inicere is a legal term in the sense of 'to take hold of one's property, especially a runaway slave, without legal decision.' Cf. Livy, iii 44, 'virgini venienti in forum minister decemviri manum iniecit'; so too of summoning a person before a judge: Plaut. *Pers.* i 2, 18, 'ubi quadruplator quempiam iniexit manum.' Cf. Verg. *Aen.* x 419, 'iniecere manum Parcae.'

ut me consilio instrueret, *i.e.* to be an assessor. The comites or assessors of provincial governors who formed the cohors amicorum (Suet. *Calig.* 19) or cohors praetoria (Cic. *in Verr.* i 14, 36) were usually young men preparing for public life (cf. Cic. *ad Att.* v 9, 3, and v 17, 3); but the governors had free choice and might prefer a man of experience like Nymphidius.

senectutis. As Nymphidius must have worked his way up to the rank of primipilus before he was made praefectus, he must have been considerably older than Pliny.

necessitudines, friends. Cf. Suet. *Tib.* 11, 'petiit ut sibi permitteretur revisere necessitudines'; *Aug.* 17, 'necessitudines amicosque omnes'; Tac. *Hist.* iii 59, 'atque ipse Vitellius respectu suarum necessitudinum nihil in Domitianum atrox parabat.'

suffecturum indulgentiae tuae. Cf. *Ep.* vi 23, 4, 'Spondeo sollicitudini tuae, spei meae, magnitudini causae suffecturum.' Cf. Statius, *Silv.* v 2, 175, 'Vade, puer, tantisque enixus suffice donis.'

primis eius experimentis, his first military experience. Cf. Tac. *Agric.* 16, 'Trebellius segnior et nullis castrorum experimentis provinciam tenuit'; and *Agric.* 5, 'prima castrorum rudimenta in Britannia Suetonio Paulino . . . approbavit.'

praefectus cohortis. As the son of a primipilaris and therefore belonging to the equestrian order, the younger Nymphidius would, without passing through the rank of a centurion, at once enter upon what was called the splendidae militiae stipendia (Valer. Max. iv 7, 5) or the equestres militiae, the usual order of which was (1) praefectura cohortis (2) praefectura alae (3) tribunatus legionis. Suet. *Claud.* 25, 'Equestres militias ita ordinavit ut post cohortem alam, post alam tribunatum legionis daret.' Cf. Plin. *Ep.* vii 25, 2, 'Terentius Iunior equestribus militiis functus'; Suet. *vit. Plin.*, 'equestribus militiis industrie functus'; C. I. L. iii 1198, etc. Those who had thus passed through these posts were called in inscrr. 'militiis equestribus exornati' (C. I. L. viii 9760); *ἀπὸ σπατειῶν ἱππικῶν*, or *ἀπὸ τριῶν χιλιαρχῶν* (C. I. Gr. 3484 a), or simply 'a militiis,' Henz. 6816, etc. The post therefore which Pliny is now seeking for Nymphidius is that of 'praefectus alae.' When he reached the rank of tribunus militum, he would be distinguished from the senatorial holders of the same post by the title 'tribunus legionis angusticlavius,' Suet. *Oth.* 10. After passing through the 'equestres militiae,' he would be qualified for the various procuratorial appointments: Wilman, 1627; Orell. 3444; Suet. *vit. Plin.*, 'equestribus militiis functus procurationes quoque splendidissimas et continuas summa integritate adminstravit'; Tac. *Agric.* 4, 'utrumque avum procuratorem Caesarum habuit, quae equestris nobilitas est.' These successive posts were granted by favour and influence. Cf. Juv. i 58, 'Cum fas esse putet curam spectare cohortis, etc.'; x 94, 'vis certe pila, cohortes, Egregios equites et castra domestica'; vii 92, 'Praefectos Pelopea facit, Philomela tribunos.'

cohortis plenissimum testimonium meruerit Iulii Ferocis et Fusci Salinatoris, clarissimorum virorum. Meum gaudium meamque gratulationem filii honore continebis.

3 honore continebo, *Keil.* continebis, *B.* continerent, *Avant. and Ald.*

Iulii Ferocis. Ti. Iulius Ferox (C. I. L. i p. 187) was consul designatus in 99 A.D. (Plin. *Ep.* ii 11, 5, 'consul designatus Iulius Ferox, vir rectus et sanctus'), curator alvei Tiberis in 101 (see *inscr. cit.*), at the date of this letter is evidently 'legatus Augusti' of some military province, and in 116 A.D. was proconsul of Asia. See Mommsen's index. Pliny writes to him *Ep.* vii 13.

Fusci Salinatoris. His name was Pedanius Fuscus Salinator. He was proconsul of Asia between 98 and 102 (see Mommsen's index), and father of the Fuscus Salinator mentioned in *Ep.* vi 11, and vii 9.

filii honore continebis, a curious phrase of which I can find no other example in the active of the verb contineo, though in the passive we find such expressions as 'artes quae coniectura continentur,' Cic. *Div.* i 14, 24. Translate 'By honouring his son, you will give me also cause for joy and congratulalion,' *i.e.* 'you will comprise my joy, etc., under.' I have restored this reading from the margin of the Bodleian copy. It seems decidedly better than continebo (Keil) or continerem (Orelli).

LXXXVIII [LXXXVIIII]

Ob diem natalem

C. PLINIUS TRAIANO IMPERATORI

Opto, domine, et hunc natalem et plurimos alios quam felicissimos agas aeternaque laude florentem virtutis tuae gloriam incolumis et fortis aliis super alia operibus augeas.

3 augebis, *Avant. and Ald.*

It is my earnest wish, sire, that you may spend this birth-day, and many future ones, in happiness and prosperity, and that in continued health and strength you may go on increasing by ever new achievements your glorious reputation.

hunc natalem. This fixes the date of the letter to September 17, 112 A.D. See note on *Ep.* 17 A.

aliis super alia operibus. Cf. *Ep.* vii 8, 1, 'aliis super alias epistulas'; *Panegyr.* 14, 'aliis super alias expeditionibus'; Suet. *Ner.* 41, 'aliis super alios nuntios.'

LXXXVIIII [XC]

TRAIANUS PLINIO S.

Agnosco vota tua, mi Secunde carissime, quibus precaris ut plurimos et felicissimos natales florente statu rei publicae nostrae agam.

I thank you for your good wishes, my dear Pliny, that I may spend many birth-days amid happiness to myself and prosperity to the republic.

XC [XCI]

De aqua Sinopensium perducenda

C. PLINIUS TRAIANO IMPERATORI

1 Sinopenses, domine, aqua deficiuntur; quae videtur et bona et copiosa ab sexto decimo miliario posse perduci. Est tamen statim ab capite paulo amplius mille passibus locus suspectus et mollis, quem ego interim explorari modico inpendio iussi, an recipere et sustinere opus possit. 2 Pecunia curantibus nobis contracta non deerit, si tu, domine, hoc genus operis et salubritati et amoenitati valde sitientis coloniae indulseris.

3 passibus, om. *Avant.* 4 susceptus, *Avant.* suspectus, *B. and Ald.*

The people of Sinope, sire, are in want of water, which I think could be brought in great plenty and of good quality from a place sixteen miles away. There is, however, one spot about a mile from the spring, which is soft and marshy. Of this I have ordered a survey to be made, to see whether it can bear the weight of an aqueduct. The money for the work will be forthcoming, if you will sanction an undertaking so conducive to the health and comfort of this thirsty colony.

Sinopenses. Sinope was always important on account of its splendid harbour. It was the birthplace and capital of Mithridates, king of Pontus, who did much to enlarge and beautify it. Lucullus made it a free and autonomous town (Appian, *Mithr.* 73), and in 48 B.C. it received colonists sent by Iulius Caesar; *Strab.* 12, p. 546; Plin. h. n. vi 2, 2; *Digest*, 50, 16, 1 and 10, 'est in Bithynia Apamena (colonia) et in Ponto Sinopensis.' The full title was Colonia Iulia Caesarea Felix Sinope, Eckhel, ii 391, etc. In Strabo's time it was a large well-built and well-fortified town, but it gradually declined in importance.

§ 1. **aqua deficiuntur.** Cf. below, 'sitientis coloniae.' A small stream ran into the harbour of Sinope, but like most of the rivers of Asia Minor, it was of little use either for navigation or water supply.

a sexto decimo miliario, probably along the road between Sinope and Pompeiopolis.

posse perduci. Cf. *Ep.* 37, 'ex quo videtur aqua posse perduci.'

§ 2. **pecunia . . . contracta non deerit.** Cf. *Ep.* 23, 'erit enim pecunia ex qua fiat.'

XCI [XCII]

TRAIANUS PLINIO S.

Ut coepisti, Secunde carissime, explora diligenter an locus ille quem suspectum habes sustinere opus aquae ductus possit. Neque enim dubitandum puto quin aqua perducenda

2 susceptum, *Avant.*

Be sure to have a careful examination made, my Pliny, whether the place which you suspect can sustain the weight of an aqueduct. Water must without doubt be brought to Sinope, provided the town can accomplish the work with its own resources. It will contribute much to the health and comfort of the place.

sit in coloniam Sinopensem, si modo et viribus suis adsequi potest, cum plurimum ea res et salubritati et voluptati eius conlatura sit.

aquae ductus. See on *Ep.* 37.

quin aqua perducenda sit. Cf. *Ep.* 38, 'curandum est ut aqua in Nicomedensem civitatem perducatur.'

si modo et viribus suis adsequi potest. Cf. *Ep.* 24, 'si instructio novi balinei oneratura vires Prusensium non est.'

XCII [XCIII]

De petitione Amisenorum

C. PLINIUS TRAIANO IMPERATORI

Amisenorum civitas libera et foederata beneficio indulgentiae tuae legibus suis utitur. In hac datum mihi libellum ad

2 datum mihi publice, *Ald.*

The free and confederate city of Amisus enjoys by your permission its own laws. I send you a memorial which I received from this place in relation to benefit-clubs. I should be glad to learn how far these should be allowed, how far prohibited.

Amisenorum civitas libera et foederata. Amisus was a flourishing town with a good harbour. It was enlarged and partly rebuilt by Mithridates, who occasionally used it for his royal residence. Cic. *pro leg. Manil.* 8, 'Sinopen atque Amisum quibus in oppidis erant domicilia regis omnibus rebus ornata atque referta.' It was taken by Lucullus in 71 B.C. (Appian, *Mithr.* 82), and in 47 B.C. by Pharnaces; Dio Cass. 42, 48, 'καίπερ ἐπὶ πλεῖστον ἀντισχοῦσαν.' As a reward for its obstinate resistance Iulius Caesar made it a free state; Dio Cass. 42, 48, 'τούς τε Ἀμισηνοὺς ἐλευθερίᾳ ἠμείψατο.' It was formally joined to Bithynia in 33 B.C. by Antonius, as the era of the town on its coins proves (Eckhel, ii 349). Freedom seems to have been granted to it a second time by Augustus; Strab. 12, p. 547, 'εἶτ' ἐλευθερώθη πάλιν μετὰ τὰ Ἀκτιακὰ ὑπὸ Καίσαρος τοῦ Σεβαστοῦ.' Pliny, h. n. vi 2, speaks of it as 'liberum,' and gives its distance from Sinope as 130 miles; so also the legend Ἀμισοῦ ἐλευθέρας on coins, Eckhel, ii 347, 348. This is the only mention of it as a 'foederata civitas,' but the words of Trajan are so clear on the point that there can be no doubt about its position. The 'civitates foederatae' were the highest class of autonomous cities, while the 'civitates liberae' might at any time lose their freedom, as *e.g.* Byzantium (see note on *Ep.* 77); the existence of a formal 'foedus' obviated this risk. The terms of the foedus were different in different cases, but they always granted internal autonomy (libera et foederata), but never independent foreign policy; it was always stipulated 'ut eosdem quos populus Romanus amicos atque hostes habeant,' Livy, xxxviii 8, 10. See also the league with Astypalaea; C. I. Gr. 2485; and Hicks' *Greek Hist. Inscrip.* p. 348. A copy of the foedus engraved in bronze was kept in the Capitol at Rome, and also in the city concerned. Suet. *Vesp.* 8, 'aerearumque tabularum tria milia quae simul conflagraverunt restituenda suscepit . . . instrumentum imperii pulcherrimum ac vetustissimum, quo continebantur . . . senatus consulta, plebiscita de societate et foedere et privilegio cuicumque concessis.' Civitates foederatae could only lose their freedom or privileges in exceptional cases, such as war (Dio Cass. 41, 25, in the case of Massilia), or outrageous abuse of their position; Suet. *Aug.* 47, 'urbium quasdam foederatas, sed ad exitium licentia praecipites libertate privavit.' Their position was similar to that of the Italian allied towns previous to the lex Iulia of 90 B.C. As sovereign states they had the right of coinage, of admitting exiles to their citizenship (Cic. *pro Balb.* 12, 29; Tac. *Ann.* iv 43; xiii 47), while they were exempted from all interference on the part of the provincial governors; Strab. 4, p. 181, 'καὶ τὴν αὐτονομίαν

eranos pertinentem his litteris subieci, ut tu, domine, dispiceres quid et quatenus aut permittendum aut prohibendum putares.

1 heranos, *Avant.*

ἐφύλαξαν ἣν ἐξ ἀρχῆς εἶχεν ἡ πόλις ὥστε μὴ ὑπακούειν τῶν εἰς τὴν ἐπαρχίαν πεμπομένων στρατηγῶν'; Cic. *in Verr.* ii 66, 160, 'Tauromenitani, quorum est civitas foederata qui maxime ab iniuriis nostrorum magistratuum remoti consuerant esse praesidio foederis. Cf. also Suet *Calig.* 3, '(Germanicus) libera ac foederata oppida sine lictoribus adibat,' and Tac. *Ann.* ii 53.

beneficio indulgentiae tuae. This was true de facto; Trajan puts the case de iure, 'quibus de officio foederis utuntur.'

legibus suis utitur. Each autonomous provincial town had its own leges municipales, which were originally given to it by the commission which organised the province. Cf. *Digest*, 42, 5, 37, 'Antiochensium Coelae Syriae civitati, quod lege sua privilegium in bonis defuncti debitoris accepit, ius persequendi pignoris durare constitit'; Cic. *in Verr.* 2, 49, 120, 'legati Centuripini, Halesini, Catinenses, etc. . . . dixerunt neminem ulla in civitate senatorem factum esse gratis, neminem, ut leges eorum sunt, suffragiis.' *Digest*, 43, 25, 34, 'si non lex municipalis curatori reipublicae amplius concedat'; 3, 4, 6, 'nisi lex municipii prohibeat.' See *Ep.* 113, 'sequendam cuiusque civitatis legem puto.' *Digest*, 50, 4, 3, 'ceteri autem . . . legibus patriae suae et provinciae oboedire debent.'

ad eranos pertinentem. The *ἔρανοι* in Greek towns were either social clubs, the chief object of which was the celebration of periodical banquets, or benefit societies for mutual help and support, 'ad sustinendum tenuiorum inopiam.' A common fund was formed by contributions (*ἔρανοι, εἰσφοραί*) from the members (*ἐρανισταί*). If any member fell into distress, he received a subsidy, which, however, he was expected to refund as soon as his circumstances permitted. These clubs, like the collegia in Roman towns, had a regular organisation. They had their archieranistae and prostatae as well as treasurer, secretaries, and legal advisers. All legal cases concerning them had to be decided within a month. See Schömann, *Antiq. Iur. Publ. Gr.*, p. 305, 4, and *Antiquities of Greece*, p. 362. Amisus, as a colony from Athens, may very likely, as Döring suggests, have derived this institution direct from the mother city.

XCIII [XCIIII]

TRAIANUS PLINIO S.

Amisenos, quorum libellum epistulae tuae iunxeras, si legibus istorum, quibus de officio foederis utuntur, concessum est eranum habere, possumus quo minus habeant non inpedire, eo facilius, si tali conlatione non ad turbas et ad inlicitos

3 eia num, *Avant.* qui minus. *Avant. and Ald.*

If the laws of Amisus, depending on a formal treaty, permit the institution of a benefit club, we cannot hinder it, and especially if the contributions are applied, not to the furtherance of riotous and illegal assemblies, but to the support of the needy members. In the other states which are subject to our law these institutions are prohibited.

de officio foederis, according to formal obligation of the treaty.

possumus . . . non inpedire. Compare with this unreserved recognition of the autonomy of Amisus, Trajan's respect for the privileges of Apameia; *Ep.* 48, 'salvis quae habent privilegiis.'

tali conlatione. Cf. Suet. *Calig.* 42, 'collationes in alimoniam ac dotem puellae recepit.' *Ner.* 38 and 44, 'et plerique omnem collationem palam recusarent.'

non ad turbas et ad inlicitos coetus. Cf. *Ep.* 24, 'meminerimus . . . eas civitates eiusmodi factionibus esse vexatas.'

ad sustinendum tenuiorum inopiam. Cf. *Digest*, 47, 22, 1, 'sed

coetus sed ad sustinendam tenuiorum inopiam utuntur. In ceteris civitatibus, quae nostro iure obstrictae sunt, res huiusmodi prohibenda est.

permittitur tenuioribus stipem menstruam conferre, dum tamen semel in mense coeant, ne sub pretextu huiusmodi illicitum collegium coeat.'

quae nostro iure obstrictae sunt. These would include not only the great mass of provincial towns—the civitates stipendiariae—but also the municipia, coloniae, and towns of Latin right.

res huiusmodi prohibenda est. Cf. *Ep.* 34, where a collegium fabrorum is refused to Nicomedeia; and *Ep.* 96, 'post edictum meum quo secundum mandata tua hetaerias esse vetueram.' All clubs and associations of this sort were technically 'hetaeriae': Gaius, *Digest*, 47, 22, 3, 1, 'Sodales sunt qui eiusdem collegii sunt, quam Graeci ἑταιρίαν vocant.'

XCIIII [XCV]

Ius trium liberorum amico petit

C. PLINIUS TRAIANO IMPERATORI

1 Suetonium Tranquillum, probissimum honestissimum eruditissimum virum, et mores eius secutus et studia iam pridem, domine, in contubernium adsumpsi tantoque magis diligere 2 coepi, quanto hunc propius inspexi. Huic ius trium liberorum necessarium faciunt duae causae: nam et iudicia amicorum

§ 1. Suetonius Tranquillus, sire, is a man of the greatest honesty, integrity, and learning, whom in consequence of his tastes and character I have long since admitted to my intimate friendship, and the more closely I have seen him, the more I have learned to love him. § 2. He desires the ius trium liberorum for two reasons, that his friends may give effect to their favourable judgment of him in their wills, and that your kindness may afford him what an unfruitful marriage has denied. § 3. I know how great a favour I am asking, but I remember your previous indulgence to my requests. I should not make the request from a distance, were I not so anxious to obtain it.

§ 1. **Suetonium Tranquillum.** C. Suetonius Tranquillus was of equestrian rank. His father Suetonius Lenis served on Otho's side in the war against Vitellius as 'tertiae decimae legionis tribunus angusticlavius,' Suet. *Oth.* 10. Suetonius was himself born somewhat about that time, as he describes himself as an adolescens twenty years after Nero's death. Suet. *Ner.* 57, and also Suet. *Dom.* 12, 'Interfuisse me adolescentulum memini cum a procuratore frequentissimoque consilio inspiceretur nonagenarius senex, an circumsectus esset.' He was an intimate friend of Pliny 'contubernalis meus,' and also a man of letters,' 'scholasticis porro dominis, ut hic est,' as early as 97 A.D. (*Ep.* i 24). Pliny writes to him, i 18, iii 8, v 10, and xi 34. In 101 A.D. Pliny obtained for him a military tribuneship under Neratius Marcellus (*Ep.* iii 8) which however Suetonius preferred to pass on to a relation. Under Hadrian he held the post of ab epistulis, from which however he was dismissed, Spart. *Hadr.* 11.

in contubernium adsumpsi, admitted to my intimate friendship. Cf. *Ep.* i 24, 'contubernalis meus'; also i 19, 'municeps meus et condiscipulus et ab ineunte aetate contubernalis.'

§ 2. **ius trium liberorum,** see note on *Ep.* 2.

iudicia amicorum promeretur. Cf. Suet. *Aug.* 66, 'amicorum suprema iudicia morosissima pensitavit.' By the lex Papia Poppaea, 'orbi, ob id quod liberos non habebant, dimidias partes hereditatum legatorumque perdunt, olim solida fidei commissa videbantur capere posse; sed postea senatus consulto

promeretur et parum felix matrimonium expertus est inpetrandumque a bonitate tua per nos habet quod illi fortunae malignitas denegavit. Scio, domine, quantum beneficium petam, sed 3
peto a te, cuius in omnibus desideriis meis indulgentiam experior. Potes enim colligere, quanto opere cupiam, quod non rogarem absens, si mediocriter cuperem.

4 plenissimam indulgentiam, *Ald.*

Pegasiano perinde fidei commissa quoque ac legata hereditatesque capere prohibiti sunt, eaque translata sunt ad eos qui in eo testamento liberos habent, aut, si nullus liberos habebit, ad populum'; also Tac. *Ann.* iii 28, 'inditi custodes et lege Papia Poppaea praemiis inducti ut, si a privilegiis parentum cessaretur, velut parens omnium populus vacantia teneret.' The first motive of Suetonius therefore was a desire to benefit in full by the testaments of his friends. Being childless he would lose one half of what should have come to him. Cf. Juv. ix 87, 'Iura parentis habes; propter me scriberis heres; Legatum omne capis necnon et dulce caducum.' On iudicia see note on *Ep.* 4, 6.

parum felix matrimonium, an unfruitful marriage.

impetrandumque . . . habet. 'The gerundive is used as oblique predicate to the direct object of certain transitive verbs to express an action purposed to be done on such object,' Roby, § 1401. Cf. Sen. *Ben.* vii 3, 'Non habet sapiens mittendos trans maria legatos, nec metanda in ripis hostilibus castra,' etc.; Ter. *Phor.* 364, 'Ibi agrum de nostro patre colendum habebat'; Plin. *Ep.* i 7, 6, 'accepisse me optimas careotas quae nunc cum ficis et boletis certandum habent'; i 8, 12, 'praesertim quum enitendum haberemus'; viii 13, 2, 'qui denique cum potissimum imitandum habes'; *Panegyr.* 15, 'nec habent adnumeranda tibi pro republica vulnera'; Tac. *Ann* iv 40, 'posse ipsum Liviam statuere, nubendum post Drusum an in penatibus isdem tolerandum haberet'; xiv 44, 'si nunc primum statuendum haberemus'; *Hist.* i 15, 'ea vita in qua nihil excusandum habeas'; iv 77; Suet. *Caes.* 68, 'ut consolandos eos magis imperator quam puniendos habuerit.'

§ 3. **in omnibus desideriis meis.** Cf. *Ep.* 24, 'possumus desiderio eorum indulgere.'

cuius indulgentiam experior. Cf. *Ep.* 4, 1.

XCV [XCVI]

TRAIANUS PLINIO S.

Quam parce haec beneficia tribuam utique, mi Secunde carissime, haeret tibi, cum etiam in senatu adfirmare soleam non excessisse me numerum quem apud amplissimum ordinem

You cannot fail to know, my dear Pliny, how sparingly I grant these favours, since I often affirm in the senate that I have not exceeded the number which I assured that illustrious order that I would be contented with. I have, however, granted your request, and have ordered the grant of the ius trium liberorum to Suetonius on the usual conditions to be entered in my archives.

quam parce haec beneficia tribuam. Cf. *Ep.* 7, 'civitatem Alexandrinam secundum institutionem principum non temere dare proposui.' Plin. *Ep.* ii 13, 8, 'trium liberorum ius impetravi, quod quamquam parce et cum delectu daret,' etc.

numerum quem . . . suffecturum mihi professus sum. Whatever effects the lex Papia Poppaea might conceivably have had towards encouraging marriage and the rearing of children, must necessarily have been defeated by an indiscriminate granting of the privileges to those who could not legally claim them. Domitian had in particular been

suffecturum mihi professus sum: tuo tamen desiderio subscripsi et dedisse me ius trium liberorum Suetonio Tranquillo ea conditione qua adsuevi referri in commentarios meos iussi.

1 professum, *Avant.*

lax in this respect, and granted the ius trium liberorum to unmarried men like Martial, Mart. ii 9, 5-6, and 92, 1-3. See note on *Ep.* 2. Trajan had apparently publicly stated in the senate that he would grant the privilege only to a definite number of persons.

tuo desiderio subscripsi. Cf. Suet. *Oth.* 7, 'nec quicquam prius pro potestate subscripsit quam quingenties sestertium ad peragendam auream domum.' Ovid. *Trist.* i 2, 3, 'Neve precor magni subscribete Caesaris irae.'

in commentarios meos. Cf. *Ep.* 66, 'in commentariis eorum principum qui ante me fuerunt.'

XCVI [XCVII]

De Christianis

C. PLINIUS TRAIANO IMPERATORI

1 Sollemne est mihi, domine, omnia de quibus dubito ad te referre. Quis enim potest melius vel cunctationem meam re-

§ 1. I always appeal to you, sire, in my difficulties, as the best guide in doubt, and the best help in ignorance. Having never been present at any trials of the Christians, I am ignorant both of what should be inquired into and punished, and within what limits. § 2. In particular, I am uncertain whether any difference should be made on account of age; whether pardon should be granted to those who retract their belief; and whether the profession alone, or the crimes which attach to it, should be punished. Meanwhile I adopt the following course. § 3. I ask them three distinct times whether they are Christians, then if, in spite of warning, they are obstinate, I order them to be executed. For whatever the beliefs are which they confess, there is no doubt that obstinacy and stubbornness ought to be punished. § 4. Others sharing in the same folly I have despatched to Rome, as being Roman citizens. However, the more the matter is dealt with, the more frequent become the accusations, and the circumstances more varied. § 5. An anonymous accusation has been put forward against a number of individuals. Those who either denied that they had been Christians, or at my dictation invoked the gods, offered incense and wine before your statue, and blasphemed Christ,—acts which no real Christian will perform,—I have thought right to dismiss. § 6. Others on being accused first confessed, then denied, and finally said that though they had been Christians, they had ceased to be so, some of them twenty years back. All these performed the acts I required. § 7. They affirmed, however, that the sum and substance of their fault consisted in this, that they assembled periodically at dawn and sang a hymn to Christ as to a god, binding themselves by a solemn oath to abstain from theft, robbery, adultery, perjury, and dishonesty; after which they separated, meeting again for a common meal, which was, however, open to all, and innocent. Even this they had given up since my edict proclaiming all hetaeriae to be illegal. § 8. I therefore thought it necessary to examine two deaconesses by torture, but discovered nothing worse than a depraved and violent superstition. I have accordingly delayed the trials to consult you. § 9. One great difficulty is the number of persons affected; they belong to every age, every rank, and both sexes. Not only are the cities affected, but the villages and country-hamlets. This, I think, might be stopped. § 10. At any rate, the temples are beginning to be more frequented; sacred rites are

gere vel ignorantiam instruere? Cognitionibus de Christianis interfui numquam: ideo nescio quid et quatenus aut puniri soleat aut quaeri. Nec mediocriter haesitavi sitne aliquod dis- 2

1 extruere, *Avant.* instruere, *B. and Ald.*

performed again, and the trade in fodder for victims is reviving. It is clear that a large number of persons may be reclaimed if the hope of pardon were held out.

§ 1. **sollemne est.** Cf. Hor. *Ep.* i 2, 103, 'Romae dulce diu fuit et sollemne reclusa Mane domo vigilare'; and Suet. *Aug.* 44, 'promiscue spectari sollemne olim fuit.'

ignorantiam instruere. Av. reads 'extruere.' This is, however, corrected in the Bodleian copy to 'instruere.'

cognitionibus de Chr. interfui numquam. This statement proves two things conclusively—(1) that there had been trials of Christians; (2) that they were neither frequent nor important, or Pliny would not have been ignorant of their procedure. Orosius states that Trajan had first issued a general edict that Christians who refused to sacrifice should be put to death, and that he modified this edict in consequence of Pliny's representations, in his rescript to the present letter. If, however, there had been such an edict, Pliny would certainly have mentioned it, and his whole letter implies that, in the absence of any definite instructions, he had acted on his own discretion. On the other hand, there must have been some reason why the Christians were brought before him, and why he felt obliged to deal with them beyond the general duty which, as Ulpian says, was incumbent on all provincial governors, 'statim atque in aliquem celebrem civitatem vel provinciae caput Proconsul venit, debere sedes sacras circumire atque inspicere.' The so-called persecution under Nero had not been strictly on religious grounds. Nero, wishing to divert the suspicion of incendiarism from himself, turned it on to the Christians, as the object of general hatred, Tac. *Ann.* xv 44. They were not, however, punished for their religion as such, were not tried as Christians, nor were they interfered with outside Rome. The ecclesiastical writers make mention of a persecution under Domitian. This, however, unless the present passage is an exception, is entirely unnoticed by pagan authors. During the first century it seems probable that the Christians were, to a great extent, confused with the Jews. Both were looked down upon equally, and the way in which Tacitus and Suetonius speak of the Christians shows that they had merely repeated unquestioned popular views, and attributed to the Christians some of the less amiable characteristics of the Jews. For both, however, there seems to have been toleration throughout the reigns of Vespasian and Titus, though the Christians, described as 'qui improfessi Iudaicam viverent vitam' (Suet. *Dom.* 12), seem to have been made to pay the Jewish tribute. But in the last eight months of Domitian's reign a somewhat different policy was pursued. While the Jews were to be tolerated, Judaising was to be put down, *i.e.* toleration was to be for the nation, not for the religion. Thus all who, not Jews by birth, adopted the Jewish mode of life were liable to punishment. Thus Flavius Clemens and Flavia Domatilla were put to death. 'ἐπηνέχθη δὲ ἀμφοῖν ἔγκλημα ἀθεότητος: ὑφ' ἧς καὶ ἄλλοι τὰ τῶν Ἰουδαίων ἤθη ἐξοκέλλοντες πολλοὶ κατεδικάσθησαν,' Dio Cass. 67, 14. To this punishment, therefore, the Christians would be exposed, and their crime ἀθεότης implied desertion of the Roman state religion. Suetonius remembers being present when a youth at the trial of an old man, probably a Christian, who was publicly examined 'an circumsectus esset,' Suet. *Dom.* 12. It is extremely probable that the Jews took this opportunity of denouncing the Christians both in Rome and the provinces, when no doubt the name Christiani would be used, though still taken to be a sect of the Jews, and it is probably to the trials thus resulting that Pliny here alludes. In Bithynia the Christians were especially numerous, and Pliny on the spot would soon distinguish them from the Jews, and applying this acquired knowledge back to past events in which he then took no interest, he describes as 'cognitiones Christianorum' what had been in the eyes of the government only trials of Judaisers.

quid et quatenus. Quid—whether the name only or something more; quatenus—whether irrespective of age, sex, and recantation.

§ 2. **sitne aliquod discrimen aeta-**

crimen aetatum an quamlibet teneri nihil a robustioribus differant, detur paenitentiae venia an ei qui omnino Christianus fuit desisse non prosit, nomen ipsum, si flagitiis careat, an flagitia cohaerentia nomini puniantur. Interim in iis qui ad me tam-
3 quam Christiani deferebantur hunc sum secutus modum. Interrogavi ipsos an essent Christiani. Confitentes iterum ac tertio interrogavi, supplicium minatus: perseverantes duci iussi. Neque enim dubitabam, qualecumque esset quod faterentur, pertinaciam certe et inflexibilem obstinationem debere puniri.

3 etiam si, *Ald.* 4 cohaerenti, *Avant.* cohaerentia, *B. and Ald.* 9 pervicaciam, *Ald.*

tum. In most crimes an allowance was made for age. 'Si adhuc est minor annis xxv aiunt eius miseratione flecti iudicem posse ad mitiorem poenam.' At Lugdunum, however, under Marcus Aurelius, a boy of fifteen, named Ponticus, was executed, together with his mother Blandina.

detur paenitentiae venia. Strictly speaking, this was contrary to the principle of Roman law, which regarded a theft as by no means condoned by restitution; and though the crime in question came under no recognised head, Pliny may have felt some doubt as to whether he should follow the recognised principle or modify it.

nomen ipsum, the profession alone. Trajan's answer implies that the mere profession of Christianity, if persisted in, is a punishable offence, quite apart from any particular crimes, which Pliny disbelieves in, and Trajan omits to mention. Hadrian somewhat modified this. Cf. Hieronymus in *Chron. Euseb.*, 'Quadratus discipulus apostolorum et Aristides Atheniensis . . . libros pro Christiana religione compositos dedere Hadriano: et Serenus Grannius legatus . . . literas ad imperatorem misit iniquum esse dicens clamoribus vulgi innocentium hominum sanguinem concedi, et sine ullo crimine nominis tantum et sectae nos reos fieri. Quibus commotus Hadrianus Minutio Fundano proconsuli Asiae scribit non sine obiectu criminis Christianos condemnandos.' Tertullian says, 'tabellam damnationis tantum continuisse reum esse Christianum'; and at Lugdunum a tablet was fastened on a condemned criminal, 'Hic est Attalus Christianus'; while Polycarp's confession was merely 'Christianum esse se.'

The reason of the prosecutions was, as we have seen, simply the secession from the state cult. The crimes imputed to the Christians arose from the spite of the Jewish delatores, and the prejudice against the exclusiveness and isolation of Christians.

§ 3. **confitentes iterum ac tertium.** Ulpian says, 'confessiones reorum pro exploratis criminibus haberi non oportere si nulla probatio religionem iudicantis instruat'; and again, 'si quis ultro de maleficio confiteatur non semper ei fides habenda est.' Tertullian indeed complains that the governors often tortured the accused to extort, not confession, but denial: 'Quid amplius tibi mandatur quam nocentes confessos damnare, negantes autem ad tormenta revocare? Videtis ergo quomodo ipsi vos contra mandata faciatis, ut confessos negare cogatis. Adeo confitemini nos innocentes esse, quos damnare statim ex confessione non vultis.'

duci iussi. I do not see how we can avoid taking 'duci' = to be led to execution. One passage from the jurists might seem to favour a milder view, 'reos confessos in vincula publica conficiendos esse dum de eis pronuntietur'; but Sen. *de Ira*, i cap. ult., 'Cn. Piso cum iratus duci iussisset,' and Suet. *Calig.* 27, *Acts*, xii 19, together with the undoubted executions in Domitian's time, seem to make the case pretty clear.

obstinationem. Tertullian says, 'illa ipsa obstinatio quam exprobatis magistra est. Neque enim solus proconsul Bithyniae Plinius eam exprobavit; multis post eum annis in eadem Bithynia impius Philosophaster declamitavit in pertinacem obstinationem Christianorum.' The feature of Christianity which Pliny here points out as his personal reason for punishing, was exactly the point which, as Christianity grew, made it seem politically dangerous to the authority of the

Fuerunt alii similis amentiae quos, quia cives Romani erant, 4
adnotavi in urbem remittendos. Mox ipso tractatu, ut fieri
solet, diffundente se crimine plures species inciderunt. Pro- 5
positus est libellus sine auctore multorum nomina continens.
Qui negabant esse se Christianos aut fuisse, cum praeeunte
me deos appellarent et imagini tuae, quam propter hoc iusse-
ram cum simulacris numinum adferri, ture ac vino supplica-
rent, praeterea male dicerent Christo, quorum nihil posse cogi
dicuntur qui sunt re vera Christiani, dimittendos esse putavi.
Alii ab indice nominati esse se Christianos dixerunt et mox 6
negaverunt; fuisse quidem, sed desisse, quidam ante plures
annos, non nemo etiam ante viginti quinque. Omnes et imagi-
nem tuam deorumque simulacra venerati sunt et Christo
male dixerunt. Adfirmabant autem hanc fuisse summam vel 7

2 tractu, *Cat.*
9 non sunt, *Cat.*
10 iudice, *Avant.*
12 viginti quinque, *Ritterhusius.* quoque, *Avant. and Ald.*

empire, and which, much more than religious intolerance, was at the root of later persecutions.

§ 4. **similis amentiae.** Tertullian says (*Apolog.* 27), 'Quidam dementiam existimant quod cum possimus et sacrificare in praesenti et inlaesi abire, manente apud animum proposito, obstinationem saluti praeferamus.'

quia cives Romani erant. Cf. the case of St. Paul, who appealed from the tribunal of Felix to the emperor, and was conveyed to Rome accordingly.

adnotavi remittendos. Adnot. was a technical term used of judges or governors, who entered in their official books the course to be pursued with regard to any person. Cf. *Dig.* 28, 17, 1, 'Praesides autem provinciarum circa requirendos adnotatos hoc debent facere ut eos quos adnotaverint edictis adesse iubeant . . . ut possit innotescere requirendos eos esse adnotatos.' Cf. Plin. *Ep.* vii 20, 'adnotavi quae commutanda arbitrarer.'

ipso tractatu, by the very fact of the judicial procedure, *i.e.* the informers were encouraged to fresh accusations.

plures species, still more cases.

§ 5. **libellus sine auctore,** an anonymous accusation. For libellus in this sense, cf. *Ep.* 59 and 60, 'libellos Furiae Primae accusatricis.'

praeeunte me. Cf. *Ep.* 53.

deos appellarent. Cf. Prudent. *Passione Vincentii,* 'Hoc namque decretum cape, aut ara ture et cespite precanda iam nunc est tibi, aut mora luenda est sanguine.'

imagini tuae. See note on *Ep.* 74, § 1; and cf. *Panegyr.* 52, 'Itaque tuam statuam in vestibulo Iovis optimi maximi unam alteramve et hanc aeream cernimus.'

male dicerent Christo. When Polycarp was ordered to blaspheme Christ he said, '*ὀγδοήκοντα καὶ ἓξ ἔτη δουλεύω αὐτῷ καὶ οὐδέν με ἠδίκησε, πῶς δύναμαι βλασφημῆσαι τὸν βασιλέα τὸν σώσαντά με.*'

qui sunt re vera Christiani. That in some cases the Christians did go through the required forms and deny their religion is certain, and a great controversy arose as to what course should be taken with these 'traditores,' but the number was probably very small comparatively.

§ 6. **alii ab indice nominati.** The first class had apparently been men falsely accused of being Christians; but others confessed to having formerly belonged to the sect, but asserted that they no longer did so. In the case of the latter, Pliny appears to have allowed 'locus paenitentiae' pending Trajan's instructions.

§ 7. **stato die,** *i.e.* or the 'dies dominica,' or 'dies solis.' Tertullian says, 'Christianos diem solis laetitiae indulsisse.'

ante lucem, probably to escape observation and interference on the part of

culpae suae vel erroris, quod essent soliti stato die ante lucem convenire carmenque Christo quasi deo dicere secum invicem, seque sacramento non in scelus aliquod obstringere, sed ne furta, ne latrocinia, ne adulteria committerent, ne fidem fallerent, ne depositum appellati abnegarent: quibus peractis morem sibi discedendi fuisse, rursusque coeundi ad capiendum cibum, promiscuum tamen et innoxium; quod ipsum facere desisse post edictum meum, quo secundum mandata tua hetaerias esse
8 vetueram. Quo magis necessarium credidi ex duabus ancillis,

6 coeundi, om. *Avant.*, add. *B. and Ald.*
8 et caeras esse, *Avant.*

the authorities. Tertullian says, 'si colligere interdiu non potes, potes noctem luce Christi luminari adversus eam.' The Christians were called in consequence 'latebrosa et lucifugax natio.'

Christo quasi deo. Tertullian, in referring to this correspondence, has 'coetus antelucanos ad canendum Christo et deo.' However, whatever the doctrine of the early Church may have been with regard to the divinity of Christ, there can be no doubt that, to an outsider like Pliny, Christ appeared to be worshipped as a god. Cf. Euseb. *Eccl. Hist.* v, '*Ψαλμοὶ δὲ ὅσοι καὶ ᾠδαὶ ἀδελφῶν ἀπ' ἀρχῆς ὑπὸ πιστῶν γραφεῖσαι τὸν λόγον τοῦ θεοῦ τὸν χριστὸν ὑμνοῦσι θεολογοῦντες.*'

sacramento. Pliny evidently cites the word which these Christians themselves made use of. He seems to understand it in its ordinary sense as a quasi-military oath, similar to that taken by the Catilinarian conspirators or those concerned in the Bacchanalia. It was, however, used by Tertullian certainly in its specially Christian sense in connection with the Eucharist: *De Cor. Mil.* cap. 3, 'Eucharistiae sacramentum, et in tempore victus et omnibus mandatum a Domino: etiam antelucanis coetibus nec de aliarum manu quam praesidentium sumimus.' It was probably used in this sense by the Christians of Pliny's time.

non in scelus aliquod. The secrecy of these meetings would make them naturally suspected by the authorities, who would see in them one of those secret associations which Trajan was so careful to put down.

rursusque ad capiendum cibum. This no doubt alludes to the agapae or common feasts, which were held in the later part of the day. To these each contributed according to his means, and the poor were freely entertained. Tertullian, while asserting that these 'coitiones Christianorum' were 'inopum refocillandorum causa,' still implies that abuses crept in, 'Apud te agape in saeculis fervet: fides in culinis calet; spes in ferculis iacet.' More serious charges of immorality were popularly made against these agapae, and even these, Tertullian is forced to admit, were sometimes too well grounded: 'Sed major his est Agape, quia per hanc adolescentes tui cum sororibus dormiunt, appendices scilicet gulae lascivia atque luxuria est,' *De Ieiun.* c. 17.

promiscuum tamen, of the ordinary sort, etc. Pliny adds this, because it was popularly believed that the Christians at these meetings drank the blood of a murdered child, and bound themselves by the consciousness of this crime to mutual silence.

hetaerias esse vetueram. See on *Ep.* 33, § 2, for Trajan's view with regard to these associations. Iosephus says (*Ant. Iud.* 14) that when Iulius Caesar put down sodalitia by edict, he made an exception in favour of the Jews, and that this was confirmed by Dolabella and the senate, and afterwards by Augustus. Philo makes Agrippa plead the cause of the Jews with Caligula, '*μὴ γὰρ εἶναι συνόδους ἐκ μέθης καὶ παροινίας . . . ὡς λυμαινέσθαι τὰ τῆς εἰρήνης ἀλλὰ διδασκαλεῖα σωφροσύνης καὶ δικαιοσύνης.*' Dio Cass. makes Maecenas advise Augustus, '*τοὺς δὲ δὴ ξενίζοντάς τι περὶ αὐτὸ (τὸ θεῖον) μίσει καὶ κόλαζε, μὴ μόνον τῶν θεῶν ἕνεκα . . . ἀλλ' ὅτι καινά τινα δαιμόνια οἱ τοιοῦτοι ἀντεισφέροντες πολλοὺς ἀναπείθουσιν ἀλλοτριονομεῖν. κἀκ τούτου καὶ συνωμοσίαι καὶ συστάσεις ἑταιρεῖαί τε γίγνονται. ἅπερ ἥκιστα μοναρχίᾳ συμφέρει.*'

§ 8. duabus ancillis quae minis-

quae ministrae dicebantur, quid esset veri et per tormenta
quaerere. Nihil aliud inveni quam superstitionem pravam in-
modicam. Ideo dilata cognitione ad consulendum te decucurri.
Visa est enim mihi res digna consultatione, maxime propter 9
periclitantium numerum. Multi enim omnis aetatis, omnis or-
dinis, utriusque sexus etiam, vocantur in periculum et voca-
buntur. Neque civitates tantum sed vicos etiam atque agros
superstitionis istius contagio pervagata est; quae videtur sisti
et corrigi posse. Certe satis constat prope iam desolata tem- 10
pla coepisse celebrari et sacra sollemnia diu intermissa repeti

3 decurri, *Avant.* 9 corripi, *Gronovius.*

trae, etc. These may, as is generally supposed, have been deaconesses; at any rate, it is clear that they were, or that Pliny believed them to be, slaves—although slaves, as a rule, might not be examined against their masters. Ulpian lays it down, lib. viii, *De officio Procons.* cap. 1, 'servum alicuius corporis vel universitatis torquere licebit in eorum etiam caput qui eius corporis erant.' Again, 'Divus Hadrianus rescripsit a suspectissimo incipiendum et a quo facillime posse verum scire iudex crediderit.' In the persecution in Gaul under Marcus Aurelius it is said, 'subornatos ab adversariis et metu tormentorum etiam servos fuisse ut dicerent in Christianorum coetibus esse Thyestea quaedam convivia.'

superstitionem pravam immodicam. Cf. Tac. *Ann.* xv 44, 'exitiabilis superstitio'; and Suet. *Ner.* 16, 'superstitio nova et malefica.' Probably Pliny knew and cared as little about the Christians as his two friends before he went to Bithynia. There, however, Christianity was a prominent feature in the province; and it is to the credit of Pliny that, while he did not shrink from punishing the Christians for their obstinacy, he freely confesses that as far as his inquiries had gone they were a harmless and virtuous sect.

§ 9. **propter periclitantium numerum.** Pliny takes a more humane view than the jurists, who laid it down 'grassantibus delictis exacerbanda esse supplicia quoties multis peccantibus exemplo est opus.' As to the numbers of the Christians, cf. what Tertullian says to Scapula, the governor of Carthage: 'Quid facies de tantis milibus hominum, tot viris ac feminis, omnis sexus, omnis aetatis, omnis dignitatis offerentibus se tibi? . . . Quid ipsa Carthago passura est decimanda a te?'

vicos. The vici were small places 'attributed' to the municipal administration of the several 'civitates.' Isidor. *Orig.* 15, 2, 11, 'Vici et castella et pagi sunt quae nulla dignitate civitatis ornantur, sed vulgari hominum conventu incoluntur et propter parvitatem sui maioribus civitatibus attribuuntur.' See Marquadt, *Staatsverw.* i 7.

§ 10. **prope iam desolata templa.** This gives an idea of the number of Christians in Bithynia at this time, and explains the action of the government, which, however it might tolerate other cults, could not allow the state worship to be impaired. It was the proselytising tendency of both Judaism and Christianity which probably brought them first into collision with the authorities. Döring appositely quotes Prudentius, 'Plebs in sacellis rarior: Christi ad tribunal curritur.'

pastumque venire victimarum. Just as the trade of the silver-shrine makers at Ephesus was endangered by the increase of Christianity caused by Paul's preaching, so in Bithynia the farmers who brought into the various markets food for the temple victims were in danger of being ruined. Private persons who had made a vow would naturally provide their own victims, as Horace was prepared to do in the case of his friend Virgil's return. It is unnecessary to suppose with Orelli that there is any allusion here to contracts for supplying the food. Neither 'venire' nor 'emptor' suit this interpretation. The reading of Avantius is 'passumque venire,' which is, however, altered in the margin of the Bodleian copy to 'pastum.' Aldus alters to 'passimque venire victimas quarum.'

pastumque venire victimarum, cuius adhuc rarissimus emptor inveniebatur. Ex quo facile est opinari quae turba hominum emendari possit, si sit paenitentiae locus.

1 passum, *Avant.* pastum, *B.* passimque venire victimas, *Ald.*

XCVII [XCVIII]

TRAIANUS PLINIO S.

1 Actum quem debuisti, mi Secunde, in excutiendis causis eorum qui Christiani ad te delati fuerant secutus es. Neque enim in universum aliquid quod quasi certam formam habeat
2 constituti potest. Conquirendi non sunt: si deferantur et arguantur, puniendi sunt, ita tamen ut qui negaverit se Christi-

4 deferentur, *Avant.*

You have adopted the proper course, my dear Pliny, in dealing with the Christians who have been brought before you. No general or definite ruling can be laid down. They are not to be hunted out, but if brought before you and convicted they must be punished. Those, however, who deny their Christianity and prove their denial by praying to our gods, may wipe out past suspicions, and secure a free pardon by their recantation. Anonymous accusations of all sorts are inadmissible. They are contrary to the spirit of our time.

§ 1. **actum.** Cf. *Ep.* 28, 'cum ad pristinum actum reversus fuerit.'

in excutiendis causis. Cf. Cic. *Part. Or.* 36, 134, 'explicando excutiendoque verbo'; Quint. v 7, 37, 'Quae fere omnia Cicero in crimine veneficii excutit.'

neque enim universum aliquid. Cf. *Ep.* 65 and 66 and 113, 'in universum a me non potest statui.'

§ 2. **conquirendi non sunt.** Tertullian in referring to this correspondence says, 'Invenimus inquisitionem quoque in nos prohibitam. Plinius enim Secundus, cum provinciam regeret, damnatis quibusdam Christianis, quibusdam gradu pulsis, ipsa tamen multitudine perturbatus quid de ceteris ageret, consuluit tum Traianum imperatorem, allegans praeter obstinationem non sacrificandi nihil aliud se de sacris eorum comperisse quam coetus antelucanos ad canendum Christo et deo et ad confoederandam disciplinam: homicidium, adulterium, fraudem, perfidiam et cetera scelera prohibentes. Tunc Traianus rescripsit hoc genus quidem inquirendos non esse, oblatos vero puniri oportere.' So Eusebius: 'τὸ χριστιανῶν φῦλον μὴ ἐκζητεῖσθαι μέν, ἐμπεσον δε κολάζεσθαι.' Tertullian then proceeds: 'O sententiam necessitate confusam: negat inquirendos ut innocentes: mandat puniri ut nocentes parcit et saevit: dissimulat et animadvertit.' There was no real inconsistency, however, in Trajan's rescript. Ulpian says, *Dig.* 1, 18, 13, 'Congruit bono et gravi praesidi curare ut pacata atque quieta provincia sit quam regit: quod non difficile obtinebit si agat ut malis hominibus provincia careat, eosque conquirat: nam et sacrilegos, latrones, plagiarios, fures conquirere debet et prout quisque deliquerit in eam animadvertere.' In ordinary cases it was a principle of Roman law that no one could be tried, condemned, or punished without an accuser. See Cic. *pro Roscio.* Trajan therefore, in this edict, merely rules that this ordinary procedure should obtain in the case of the Christians. He is convinced by Pliny's letter that they cannot be fairly classed among 'latrones, sacrilegi, fures,' etc., and therefore the initiative allowed to governors in their case is not permissible in this. If, however, they were definitely accused and convicted, they would of course be punished. It is not true therefore that Trajan 'negat inquirendos ut innocentes'; but simply 'ut non latrones,' etc. It would be necessary, before Pliny could examine the Christians, that they should be brought

anum esse idque re ipsa manifestum fecerit, id est supplicando diis nostris, quamvsi suspectus in praeteritum, veniam ex paenitentia inpetret. Sine auctore vero propositi libelli in nullo crimine locum habere debent. Nam et pessimi exempli nec nostri saeculi est.

before him with a definite elogium, or statement of the grounds of accusation, and with an accuser to support it. Tertullian, *ad Scapulam*, says, 'quemdam praesidem, qui Prudens appellabatur, missum ad se Christianum cum elogio dimisisse scisso elogio et negare sine accusatore se auditurum hominem.'

puniendi sunt, *i.e.* qua Christians. It was the nomen ipsum which merited punishment, for the 'crimina nomini cohaerentia' are already ignored in the injunction 'conquirendi non sunt.' As to the punishment see note on 'duci,' *Ep.* 96; Tertull. *in Scap.* says, 'ab initio mandatum fuisse ut gladio animadverteretur in Christianos.'

veniam ex paenitentia inpetret: answer to Pliny's question, 'detur paenitentiae venia an ei qui omnino Christianus fuit desisse non prosit.'

nec nostri saeculi est. Cf. *Ep.* 55, 'non est ex iustitia nostrorum temporum,' and note, *Ep.* i § 2.

It may be as well to quote the passage of Orosius referring to these letters, lib. 7, c. 12: 'In persequendis Christianis errore deceptus Traianus imperator, tertius a Nerone, cum passim repertos cogi ad sacrificandum idolis ac renuentes interfici praecepisset, plurimique interficerentur, Plinii Secundi, qui inter ceteros iudices persecutor datus fuerat, relatu admonitus eos homines praeter confessionem Christi honestaque conventicula nihil contrarium Romanis legibus facere, fiducia sane innocentis confessionis nemini mortem gravem ac formidolosam videri, rescriptum illico lenioribus mitigavit edictis.'

XCVIII [XCVIIII]

De platea Amastrianorum

C. PLINIUS TRAIANO IMPERATORI

Amastrianorum civitas, domine, et elegans et ornata habet 1
inter praecipua opera pulcherrimam eandemque longissimam plateam; cuius a latere per spatium omne porrigitur nomine quidem flumen, re vera cloaca foedissima ac sicut turpis inmun-

4 vero, *Avant.* ac situ, *Avant.*

The elegant and beautiful city of Amastris, sire, has among its principal features a long and splendid street, along the side of which there runs what is called a river, but in reality is a noisome sewer, offensive to the eye, and emitting the foulest odours. It concerns the health no less than the appearance of the city that this should be covered up. If you will permit this to be done I will see that money is forthcoming for so necessary a work.

§ 1. **Amastrianorum civitas.** Amastris — formerly called Sesamum (Plin. *h. n.* vi 2), and deriving its later name from Amastris, the daughter of Orathres, and wife of Dionysius, tyrant of Heraclea —was a town on the coast of Paphlagonia with a double harbour; Strab. xii p. 544. It was one of the eleven regions into which Pompeius divided Pontus, and was the metropolis of the ora Pontica, as its coins show; Eckhel, ii 386. It was also the seat of the *κοινὸν τοῦ Πόντου*, or concilium Ponti; C. I. Gr. 4149 and 4157.

plateam. That platea may be and probably is a street lined with houses is proved by Ter. *Andr.* iv 5, 1, 'in hac habitasse platea dictum est Chrysidem.'

porrigitur. Cf. *Ep.* v 6, 9, 'sub his per latus omne vineae porriguntur,' etc.

ac sicut is Orelli's emendation for the

2 dissimo aspectu ita pestilens odore teterrimo. Quibus ex causis non minus salubritatis quam decoris interest eam contegi: quod fiet, si permiseris curantibus nobis ne desit quoque pecunia operi tam magno quam necessario.

unintelligible reading of Avantius, 'ac situ.'

§ 2. **ne desit quoque pecunia.** These trifling matters are only brought under Trajan's notice on account of the financial embarrassments into which most of the cities of the province had fallen; and which rendered even necessary improvements matters of serious consideration. Cf. *Ep.* 18, 24, 38, 43, 47.

XCVIIII [C]

TRAIANUS PLINIO S.

Rationis est, mi Secunde carissime, contegi aquam istam quae per civitatem Amastrianorum fluit, si intecta salubritati obest. Pecunia ne huic operi desit curaturum te secundum diligentiam tuam certum habeo.

There is good reason that the water which flows through Amastris should be covered up, if it is injurious to health. I have every confidence that you will not let money be wanting for the work.

C [CI]

Votorum nuncupatio

C. PLINIUS TRAIANO IMPERATORI

Vota, domine, priore anno nuncupata alacres laetique persolvimus novaque rursus certante commilitonum et provincialium pietate suscepimus, precati deos ut te remque publicam

1 priore anno, *Mommsen.* priorum annorum, *Avant. and Ald.*

2 certante, *Cellarius.* curante, *Avant. and Ald.*

The vows which we solemnly repeated for the past year we have paid amid enthusiasm and rejoicing, and we have renewed them for the coming year, the soldiers and provincials vieing with one another in loyalty, and praying that the gods may preserve you and the republic in that prosperity which your many virtues deserve.

These are the vota sollemnia of Jan. 3, 113 A.D. See note on *Ep.* 35.

priore anno. I have adopted Mommsen's conjecture for 'priorum annorum' of all the editions. It was only the vows for the preceding year which were paid at the beginning of the next.

nuncupata. See on *Ep.* 35.

certante commilitonum et provincialium pietate. Cf. *Ep.* 35, 'vos cum provincialibus'; and 52, 'eadem provincialibus certatim pietate iurantibus'; 'certante is the conjecture of Cellarius for 'curante,' of Avantius.

sanctitate. See note on sanctissime, *Ep.* 1.

obsequio is the emendation of Beroaldus for 'obsequi' (Avantius), which Catanaeus altered into 'consequi.'

florentem et incolumem ea benignitate servarent quam super magnas plurimasque virtutes praecipua sanctitate, obsequio, deorum honore meruisti.

2 obsequio, *Beroaldus*. obsequi, *Avant. and Ald.*

CI [CII]

TRAIANUS PLINIO S.

Solvisse vota diis inmortalibus te praeeunte pro mea incolumitate commilitones cum provincialibus laetissimo consensu et in futurum noncupasse libenter, mi Secunde carissime, cognovi litteris tuis.

I learn with pleasure, my dear Pliny, that the soldiers and provincials have paid their vows for my safety and renewed them for the coming year.

CII [CIII]

Ob diem imperii

C. PLINIUS TRAIANO IMPERATORI

Diem quo in te tutela generis humani felicissima successione translata est debita religione celebravimus, commendantes diis imperii tui auctoribus et vota publica et gaudia.

1 quo in te, *B*. quae in, *Avant.* in quem, *Ald.*

We have celebrated, sire, with the usual observances the day on which the guardianship of the human race was auspiciously transferred to you, offering public vows and public thanksgivings to the gods who are the authors of your empire.

Diem quo, etc.: 27th January. See on *Ep.* 52, 'diem quo servasti imperium dum suscipis.' 'Diem quo in te tutela,' first conjectured by Gronovius, is now confirmed by the Bodleian copy.

Debita religione. Cf. 'quanta mereris laetitia,' *Ep.* 52.

CIII [CIIII]

TRAIANUS PLINIO S.

Diem imperii mei debita laetitia et religione commilitonibus et provincialibus praeeunte te celebratum libenter cognovi litteris tuis.

I gladly learn that the anniversary of my succession has been duly celebrated by soldiers and provincials under your direction.

Diem imperii. See on *Ep.* 52 and 53.

CIIII [CV]

Ius Quiritium Latinis suis petit

C. PLINIUS TRAIANO IMPERATORI

Valerius, domine, Paulinus excepto Paulino ius Latinorum suorum mihi reliquit; ex quibus rogo tribus interim ius Quiritium des. Vereor enim ne sit inmodicum pro omnibus pariter invocare indulgentiam tuam, qua debeo tanto modestius uti quanto pleniorem experior. Sunt autem pro quibus peto C. Valerius Astraeus, C. Valerius Dionysius, C. Valerius Aper.

1 excepto Paulino, *Avant. and B.* excepto uno, *Ald.*

Valerius Paulinus, sire, to the exclusion of his son Paulinus, has made me by his will patron of his Latin freedmen. To three of these I beg you to grant the ius Quiritium. I would ask it for all, but I fear to abuse your indulgence, and the more so, as it is more freely bestowed on me. I add the names of the three for whom I make this request.

Valerius Paulinus. Pliny writes to him, *Ep.* ii 2; iv 16; v 19; ix 3, and 37. His father had been at one time in 69 A.D. procurator of Gallia Narbonensis; Tac. *Hist.* iii 43, 'procurator Valerius Paulinus, strenuus militiae et Vespasiano ante fortunam amicus.' Pliny's friend has estates near Forum Iulii in the same province; *Ep.* v 19, 7, 'in praedia tua quae Foro Iuli possides.' He gives his opinion in the senate among the consulars, *Ep.* iv 9, 20, and was apparently consul again in 108 or 109 A.D.; ix 37, 1, 'et ego te constantius amo quam ut verear ut aliter ac velim accipias, nisi te Kalendis statim consulem videro.' In v 19, Pliny alludes to the kindness of Valerius towards his freedmen and slaves: 'video quam molliter tuos habeas.'

excepto Paulino. This is the reading of Avantius. It presents several difficulties: excepto is used in an unusual sense, and must mean 'excluded from the will'; and Paulino without the addition of 'filio' or 'propinquo eius,' is too vague. The Ald. ed. reads 'excepto [Paulino] uno,' which is not any easier, as Paulinus cannot possibly be one of the freedmen. Later editions have got rid of the Paulino altogether, and read 'excepto uno.'

ius Latinorum suorum, the 'ius patronatus' over his Latini. See Gaius, iii 42, 'Postea lege Papia aucta sunt iura patronorum quod ad locupletiores libertos pertinet. Cautum est enim ea lege, ut ex bonis eius qui sestertiorum centum milium plurisve patrimonium reliquerit, et pauciores quam tres liberos habebit, sive is testamento facto sive intestato mortuus erit, virilis pars patrono debeatur. Itaque cum unum filium unam ve filiam heredes reliquerit libertus; perinde pars dimidia patrono debetur, ac si sine ullo filio filia ve moreretur: cum vero duos duas ve heredes reliquerit, tertia pars debetur; si tres relinquat, repellitur patronus.'

The Latini Iuniani are here alluded to, a special class of men created by the lex Iunia Norbana of 19 A.D. Those freedmen belonged to this class who were (1) not manumitted with the full formalities, or (2) who were not held ex iure Quiritium, or (3) who were less than thirty years old; Gaius, i 17, 'Nam in cuius persona tria haec concurrunt, ut maior sit annorum triginta, ut ex iure Quiritium domini, et iusta ac legitima manumissione liberetur, id est vindicta aut censu aut testamento, is civis Romanus sit; sin vero aliquid eorum deerit, Latinus erit.'

ius Quiritium. See note on *Ep.* 5.

quanto pleniorem experior. Cf. *Ep.* 94, 'cuius in omnibus desideriis meis indulgentiam experior.'

CV [CVI]

TRAIANUS PLINIO S.

Cum honestissime iis qui apud fidem tuam a Valerio Paulino depositi sunt consultum velis mature per me, iis interim quibus nunc petisti dedisse me ius Quiritium referri in commentarios meos iussi, idem facturus in ceteris pro quibus petieris.

2 matura, *Avant.*

Since you so honourably wish to further the interests of those whom Valerius Paulinus entrusted to your care, I have at once ordered an entry to be made in my archives that I have conferred the ius Quiritium on the three persons you name. I will do the same for any others on whose behalf you may make the request.

qui apud fidem tuam depositi sunt. The 'ius patronatus' was evidently made over to Pliny, for the express purpose that he should procure the 'ius Quiritium' for these freedmen. The consent of the patronus was always necessary. Cf. 'petente patrona,' *Ep.* 5.

mature. This is the reading of Beroaldus for 'matura per me' of Avantius.

referri in commentarios meos. Cf. *Ep.* 95.

CVI [CVII]

Civitatem Romanam petit filiae centurionis

C. PLINIUS TRAIANO IMPERATORI

Rogatus, domine, a P. Accio Aquila, centurione cohortis sextae equestris, ut mitterem tibi libellum per quem indulgentiam pro statu filiae suae inplorat, durum putavi negare, cum

Being asked by P. Accius Aquila, centurion of the VIth cohort to send you a petition touching the status of his daughter, I have complied with his request, knowing how ready an ear you turn to the requests of your soldiers.

P. Accio Aquila. None but peregrini could be enlisted in the auxiliary troops, but it was usual after twenty-five years' service to grant the civitas, sometimes together with 'honesta missio' by means of a military diploma; see C. I. L. iii, pp. 844-901. Cf. the phrases which recur in these diplomata: 'equitibus et peditibus qui militant in alis . . . et cohortibus'; qui quina et vicena plurave stipendia meruerunt'; 'quorum nomina subscripta sunt ipsis liberis posterisque eorum civitatem dedit.' The civitas was, however, sometimes given as a special reward before the 'missio,' and occasionally to a whole cohort. Cf. Wilm. 2867, 'cohors III. Thracum civium Romanorum." That Accius had received the 'civitas' is shown by his name, as perigrini had always one name only, as Ambirenus Iuvenci filius (Henz. 5857); Nertomarus Irducissae filius (6587 a); Plator Veneti fidius (Bruns. p. 196).

cohortis sextae equestris. The auxiliary cohorts were either equitatae or peditatae. The former if milariae contained 240 cavalry and 760 infantry; if quingenariae, 120 cavalry and 280 infantry. These equites cohortales C. I. L. (viii 2532 a) are distinguished from the alares (Tac. *Ann.* xv 10) or equites alarii, Tac. *Ann.* iii 39, iv 73, etc. See Marquadt, *Staatsverw.* ii p. 470. On the troops under Pliny's command, see *Ep.* 21.

pro statu filiae suae. The formula of the military diplomata runs, 'ipsis liberis posterisque eorum civitatem dedit et conubium cum uxoribus quas tunc habuissent cum est civitas eis data aut siqui caelibes essent, cum iis quas postea duxissent.' This seems to imply that the civitas

scirem quantam soleres militum precibus patientiam humanitatemque praestare.

was only given to the children of the wife with whom conubium was granted; those of former wives, therefore, would be excluded. Accius is petitioning for the daughter of a former marriage, who is still a peregrina.

quantam soleres militum precibus, etc. Cf. *Panegyr.* 13-14.

CVII [CVIII]

TRAIANUS PLINIO S.

Libellum P. Accii Aquilae, centurionis cohortis sextae equestris, quem mihi misisti, legi: cuius precibus motus dedi filiae eius civitatem Romanam. Libellum rescripti quem illi redderes misi tibi.

1 cohortis, om. *Avant. and B.*, add. *Ald.*

I have read the petition of Accius Aquila; and moved by his prayers I have granted the citizenship to his daughter. The diploma containing my rescript I send you to deliver to him.

Libellum. Cf. Juv. xiv 193, 'aut vitem poscet libello.'

civitatem Romanam. On the civitas granted to a peregrinus, as distinct from the 'ius Quiritium' granted to a Latinus, see on *Ep.* 5.

Libellum rescripti. The form of the military diploma was that of a double-folded tablet or libellus, composed of two square plates of brass joined together at one extremity by three brass wires inserted through holes, and at the other by one, thus forming a little book. On one of the outside leaves were the names and seals of seven witnesses; on the other a copy of that part of the 'lex data' which concerned the individual in question; a second copy of this was also engraved on the two interior pages. Similar libelli were used for wills or contracts, but usually made of wood or wax. Cf. Suet. *Ner.* 17, 'adversus falsarios tunc primum repertum ne tabulae, nisi pertusae, ac ter lino per foramina traiecto, obsignarentur.' A similar libellus would be used for non-military grants of the 'civitas.' The original lex was deposited in the Capitol. Cf. the formula of the diplomata, 'descriptum et recognitum ex tabula aenea quae fixa est Romae in Capitolio ad aram gentis Iuliae.'

That all such privileges as the conferment of the civitas were granted by the emperor under the form of a 'lex data,' *i.e.* a personal constitution passed by the emperor in the name of the people, is shown by Mommsen, *Staatsrecht*, ii, p. 852, and C. I. L. iii, p. 904. As such it would come under the general description of a 'rescriptum.' For the arrangement of the diptycha, or libelli, or tabulae. See Wilman. ii, p. 272, and Bruns. p. 196.

CVIII [CVIIII]

De exactione pecuniarum

C. PLINIUS TRAIANO IMPERATORI

1 Quid habere iuris velis et Bithynas et Ponticas civitates in exigendis pecuniis quae illis vel ex locationibus vel ex ven-

I should be glad if you would inform me, sire, what rights should belong to the cities of Bithynia and Pontus in exacting the payment of money due to them

ditionibus aliisve causis debeantur rogo, domine, rescribas. Ego inveni a plerisque proconsulibus concessam iis protopraxian eamque pro lege valuisse. Existimo tamen tua providentia 2
constituendum aliquid et sanciendum, per quod utilitatibus eorum in perpetuum consulatur. Nam quae sunt ab illis instituta, sint licet sapienter indulta, brevia tamen et infirma sunt, nisi illis tua contingit auctoritas.

from contracts or sales. I find that some proconsuls have given priority to state claims, and that this has grown to be considered the law. I think, however, that some permanent regulation should be made, for the edicts of others, however judicious, are temporary only, and invalid unless confirmed by you.

§ 1. **in exigendis pecuniis.** Cf. *Ep.* 23, 'erit enim pecunia . . . primum ea quam revocare a privatis et exigere iam coepi.'

ex locationibus. For locatio-conductio see Gaius, iii 142-147; Hunter, *Roman Law*, p. 338 *seq.* All public locationes were managed by the duumviri, who had to enter them in the public accounts. Lex. Mun. Malacit. 63, 'quasque locationes fecerit, quasque leges dixerit quanti quid locatum sit et (qui) praedes accepti sint, . . . in tabulas communes municipum eius municipi referantur.'

protopraxian. The word is found in an inscription (C. I. Gr. 4957) = ius primae exactionis—the right that state-debts should take the precedence of all others, a precedence or priority which was in certain cases the privilege of the fiscus, *Cod.* iv. 57, 1. See Hunter, *Roman Law*, p. 270. Cf. Paulus in *Digest*, 'respublica creditrix omnibus chirographariis creditoribus praefertur'; but Marcianus says on the other hand, 'simile privilegium fisco nulla civitas habet in bonis debitoris nisi nominatim id a principe datum sit.'

ab illis. *i.e.* the proconsuls.

CVIIII [CX]

TRAIANUS PLINIO S.

Quo iure uti debeant Bithyniae vel Ponticae civitates in iis pecuniis quae ex quaque causa rei publicae debebuntur ex lege cuiusque animadvertendum est. Nam sive habent privilegium quo ceteris creditoribus anteponantur, custodiendum est, sive non habent, in iniuriam privatorum id dari a me non oportebit.

5 in, om. *Avant.*, add. *Ald.*

You must decide according to the particular law of each state, which right the cities of Bithynia are entitled to in respect of money owed to them. If they have the privilege of priority over other creditors, it must be preserved intact; if not, such a right must not be granted to the detriment of individuals.

ex lege cuiusque. See on *Ep.* 92. As usual Trajan refuses to make any general rule, and refers Pliny to local usage and right. Cf. *Ep.* 20.

privilegium . . . custodiendum est. Cf. *Ep.* 48, 'salvis quae habent privilegiis.'

in iniuriam privatorum id dari non oportebit. Cf. *Ep.* 55, 'invitos ad accipiendum conpellere quod fortassis ipsis otiosum futurum sit non est ex iustitia nostrorum temporum'; also *Ep.* 111, 'non minus enim hominibus cuiusque loci quam pecuniae publicae consultum volo.'

CX [CXI]

De Iulio Pisone

C. PLINIUS TRAIANO IMPERATORI

1 Ecdicus, domine, Amisenorum civitatis petebat apud me a Iulio Pisone denariorum circiter quadraginta milia, donata ei publice ante viginti annos bule et ecclesia consentiente, utebaturque mandatis tuis, quibus eiusmodi donationes vetantur.
2 Piso contra plurima se in rem publicam contulisse ac prope

1 Ecdicus, *Cat.* Medicus, *B. and Ald.*
2 milia, add. *Ald.*, om. *Avant.*
3 bule, *B.*; boyali, *Avant.*
4 utebanturque, *Avant. and Ald.* nitebaturque, *ed. Basileensis.*

The ecdicus of the city of Amisus came to my tribunal, and sued Iulius Piso for the sum of 40,000 denarii which had been publicly granted to him twenty years ago, pleading your commands that donations of this sort should not be made. Piso, on the other hand, urged that he had contributed much to the city, and had almost exhausted his means. He also pleaded the time elapsed since the gift, and claimed that he should not be compelled to pay back a sum which would ruin him, and which had been granted in return for many public services. I have left the case undecided for your consideration.

§ 1. **Ecdicus Amisenorum civ.** The ecdicus was a public prosecutor in financial matters. We only know of the title in connection with Asia Minor. Cf. Cic. *ad Fam.* xiii 56, 'Mylasii et Alabandenses pecuniam Cluvio debent. Dixerat mihi Euthydemus, quum Ephesi essem, se curaturum ut Ecdici Mylasii Romam mitterentur. Id factum non est. Legatos audio missos esse, sed malo ecdicos, ut aliquid confici possit.' The Latin equivalent would be 'cognitor civitatis,' or in later times, 'defensor civitatis.' Avantius and Aldus read 'Medicus.'

donata ei publice. Cf. *Digest*, 50, 2, 8, 'Decurionibus facultatibus lapsis alimenta decerni permissum est, maxime si ob munificentiam in patriam patrimonium exhauserint.'

bule et ecclesia consentiente. Cf. *Ep.* 81, 116; 39, 112, 114, for mention of the bule and buleutae. In some of the free towns of Greek constitution, the members of the bule were selected every year, and received pay for their attendance. The popular assemblies also in the towns of Italy and the provinces were retained long after the comitia in Rome had been abolished, not only in connection with elections, but in decrees and municipal ordinances of all kinds. Cf. Henz. 7171, 'splendidissimus ordo consentiente populo . . . censuerunt,' and 'ordo populusque Corfiniensum'; 5171, 'ordo splendidissimus et universus populus . . . constituit'; 5185, 'decuriones et plebs.' Momms. *Inscrip. Neap.* 2342, 'decurionem decreto et populi consensu.' In the Greek provinces the ecclesiae are mentioned at Tarsus; Dio Chrys. ii, p. 43, '*οὓς . . . ἐχρῆν ἀπελάσαι καὶ μὴ παραδέχεσθαι ταῖς ἐκκλησίαις*'; Prusa, Dio Chrys. or. 48, p. 236, '*πρῶτον μὲν ὦ ἄνερες τῷ κρατίστῳ Οὐαρίνῳ δεῖ χάριν ἡμᾶς εἰδέναι—ὅτι βουλομένοις ἡμῖν ἐκκλησιάσαι πάλιν ἐφῆκεν*'; Tralles, C. I. Gr. 2927, '*τοῖς ψηφίσμασι τῆς τε βουλῆς καὶ τοῦ δήμου.*'

mandatis tuis, quibus eiusmodi donationes vetantur. It is easy to understand how this custom of public donations was liable to be abused, and as Trajan gave Pliny special instructions to rectify the financial affairs of the cities (*Ep.* 18), this was one of the first practices to which he would put a stop.

contulisse . . . et erogasse, *i.e.* previous to the donatio. Piso's contention is that the donatio was given to him to make up for what he had previously spent upon the city. Cf. 'id quod pro multis accepisset.'

reddere cogeretur. In later times the revocatio of donations made by individuals to one another was carefully provided for in certain cases. See *Cod.* viii 5, 5, 'de revocandis donationibus.'

totas facultates erogasse dicebat. Addebat etiam temporis spatium postulabatque ne id quod pro multis et olim accepisset cum eversione reliquae dignitatis reddere cogeretur. Quibus ex causis integram cognitionem differendam existimavi, ut te, domine, consulerem quid sequendum putares.

CXI [CXII]

TRAIANUS PLINIO S.

Sicut largitiones ex publico fieri mandata prohibent, ita, ne multorum securitas subruatur, factas ante aliquantum temporis retractari atque in inritum vindicari non oportet. Quidquid ergo ex hac causa actum ante viginti annos erit, omittamus. Non minus enim hominibus cuiusque loci quam pecuniae publicae consultum volo.

It is true that my instructions forbid public grants of money to be made, but to avoid undermining the position of individuals, such grants if made before a certain date must not be revoked nor called in question. Any case therefore previous to the last twenty years, we will leave out of account. For I have the interests of individuals at heart no less than those of the cities.

retractari. Cf. Suet. *Aug.* 34, 'leges retractavit'; Verg. *Aen.* xii 11, 'nihil est quod dicta retractent.'

in inritum vindicari, should be reclaimed as invalid. Cf. the phrase 'in libertatem vindicare.'

non minus enim hominibus, etc. Similarly Trajan refused to compel the decuriones, as Pliny suggested, to become public fund-holders, *Ep.* 55.

consultum volo. Cf. Cic. *de Fin.* iii 17, 'liberis consultum volumus.'

CXII [CXIII]

De adiectione buleutarum

C. PLINIUS TRAIANO IMPERATORI

Lex Pompeia, domine, qua Bithyni et Pontici utuntur, eos qui in bulen a censoribus leguntur dare pecuniam non iubet: sed ii quos indulgentia tua quibusdam civitatibus super legiti- 1

2 in bulen a, *B. and Ald.* in bulena a, *Avant.*
3 sed iis, *Avant.*

The Lex Pompeia, sire, by which Bithynia and Pontus are regulated, does not compel those senators appointed by the censors to pay an entrance fee; but those who have been added to the senates of particular states in excess of the legitimate number have paid an entrance-fee of one or two thousand denarii. Subsequently Anicius Maximus, when proconsul, ordained, though only in reference to a few cities, that those also appointed by the censors should pay a fee, varying in different towns. Will you therefore decide whether for the future all senators

mum numerum adicere permisit et singula milia denariorum
2 et bina intulerunt. Anicius deinde Maximus proconsul eos etiam qui a censoribus legerentur, dumtaxat in paucissimis
3 civitatibus, aliud aliis, iussit inferre. Superest ergo ut ipse dispicias an in omnibus civitatibus certum aliquid omnes qui deinde buleutae leguntur debeant pro introitu dare. Nam quod in perpetuum mansurum est a te constitui decet, cuius factis dictisque debetur aeternitas.

6 bulentae, *Avant.*

shall pay some fixed and compulsory entrance-fee? For any permanent ruling must proceed from you.

§ 1. **Lex Pompeia.** See note on *Ep.* 79, 1.

qui in bulen a censoribus leguntur. See on *Ep.* 79, 3.

quos indulgentia tua super legitimum numerum adicere permisit. In addition to the decuriones appointed in the ordinary way by the censors, persons who had specially distinguished themselves were with special permission of the emperor (tua indulgentia) appointed by a decree of the senate itself. These were called 'adlecti,' *i.e.* properly, men appointed from another order. Cf. Suet. *Claud.* 24, 'libertinorum filios in senatum adlegisse'; *Vesp.* 9, 'honestissimo quoque Italicorum et provincialium adlecto.' These 'adlecti' might be merely appointed to the senate without special distinction; or they might be classed among the higher grades of decuriones. Cf. Orell. 2533, 'Veratio Severiano . . . adlecto in ordin. decurion. civi amantissimo, qui cum privilegio sacerdoti Caeninensis munitus potuisset et honorib. et munerib. facile excusari, praeposito amore patriae, et honorem aedilitat. laudabiliter administravit,' etc.; Orell. 3882, 3745, 'hunc decuriones ob liberalitatem cum esset annorum sex ordini suo gratis adlegerunt'; 1229, 3816, 'hunc decuriones gratis in ordinem suum adlegerunt duumviralium numero'; 4020, 'Q. II virali. ornamentis suffrag. sanct. ordinis honoratus'; 5280, 7147. Cf. also *Ep.* 39, 5, 'ex ea pecunia quam buleutae additi beneficio tuo aut iam obtulerunt ob introitum aut nobis exigentibus conferunt.'

super legitimum numerum, usually 100. See on *Ep.* 8, 2. In the album Canusinum, however, the four adlecti inter quinquennalicios are included in the 100; and only the patroni and praetextati are 'super legitimum numerum.'

et singula milia denarorium et bina; probably according as they were merely appointed to the bule, or were ranked among one of the higher classes in it.

§ 2. **dumtaxat.** See note on *Ep.* 33.

§ 3. **quod in perpetuum mansurum est.** Cf. *Ep.* 108, 'per quod utilitatibus eorum in perpetuum consulatur.'

cuius factis dictisque debetur aeternitas, 'whose every word and deed deserves to be immortalised,' Melmoth.

CXIII [CXIIII]

TRAIANUS PLINIO S.

Honorarium decurionatus omnes qui in quaque civitate Bithyniae decuriones fiunt inferre debeant necne, in universum

1 in, om. *Avant. and Ald.* 2 in, om. *Avant.*, add. *Ald.*

No general rule can be laid down as to whether all senators should be bound to pay a fee or not. The safest course is here, as always, to follow the custom of each city, at any rate in regard to those who are made senators against their will. Those who are appointed with their own consent will, I imagine, be anxious by

a me non potest statui. Id ergo quod semper tutissimum est, sequendam cuiusque civitatis legem puto, sed adversus eos qui

2 sed adversus, *B.* scilicet adversos, *Avant. and Ald.*

payment of the money to secure a preference over the rest.

Honorarium, a fee, usually from the point of view of the person who receives it, as *Digest*, 11, 6, 1, 'in honorariis advocatorum,' etc.; here from that of the person who pays it. It is defined as 'id munus quod honoris causa erogatur.'

in universum non potest statui. Cf. *Ep.* 97, 'neque enim in universum aliquid quod quasi certam formam habeat constitui potest.'

sequendam cuiusque civitatis legem. Cf. *Ep.* 48, 66, 84, 109, which all contain instances of the regard which Trajan paid to local privileges and local customs.

sed adversus eos, but as regards those. Aldus conjectured 'scilicet.'

qui inviti fiunt decuriones. This is the earliest allusion to compulsory appointment to the municipal senates. The tendency, however, begins from about this time to elect to the senate, not from ex-magistrates so much as from the wealthier class of possessores. So Pliny (*Ep.* 79) in asking whether those who have not held any magistracy may be appointed senators after the age of twenty-two adds, 'quod alioqui factitatum adhuc et esse necessarium dicitur, quia sit aliquanto melius honestiorum hominum liberos quam e plebe in curiam admitti.' Later still this was carried further, and Paulus says in the *Digest*, 50, 2, 7, § 2, 'decurionum honoribus plebeii fungi prohibentur.' These wealthier decuriones then held the magistracies after their appointment to the senate, and this gradually came to be the rule. *Digest*, 50, 2, 7, 2, 'is, qui non sit decurio, duumviratu vel aliis honoribus fungi non potest.' The decuriones were also expected to undertake various curationes and munera for the central government, as, *e.g.* that of collecting the tributum; *Digest*, 50, 1, 17, 7, 'exigendi tributi munus inter sordida munera non habetur, et ideo decurionibus quoque mandatur.' Finally the decuriones were compelled to assume the responsibility for all the burdens and liabilities of their cities, and their position became an almost unbearable slavery. Cf. *Digest*, 50, 2, 1, 'decuriones quos sedibus civitatis ad quam pertinent relictis in alia loca transmigrasse probabitur, praeses provinciae in patrium solum revocare et muneribus congruentibus fungi curet.' *Id.* 50, 2, 2, 8, 'maiores annis quinquaginta quinque ad decurionatus honorem inviti vocari constitutionibus prohibentur.' However the tendency to all this had only just begun in Trajan's time, and the position was still one generally of honour and dignity.

qui sponte fiunt id existimo acturos, etc. The passage is corrupt as it stands in Avantius, 'inviti fiunt decuriones id existimo acturos ut praefatio ceteris praeferatur.' Catanaeus altered this to 'inviti fiunt decuriones: id existimo acturos: ut erogatio ceteris praeferatur,' which Gesner interprets to mean 'I imagine that the censor will take care that those who pay (erogatio = qui erogant) shall be preferred to those who do not.' I do not, however, see that apart from MS. authority (which we cannot assume in Catanaeus) erogatio (payment) has any advantage over praefatio (solemn promise to pay; cf. Cic. *Verr.* 2, 3, 80, 186, 'praefatio donationis'); while either word with 'ceteris praeferatur' forms an unendurable phrase. Schaefer suggests 'inviti fiunt decuriones. Ceteros existimo id acturos ut erogatio praeferatur,' which leaves the last clause without any intelligible meaning. Orelli emends 'inviti fiunt decuriones, id existimo acturos ut praestatio ceteris proferatur' = 'I imagine the censors will take care that payment should be deferred in the case of the rest.' But this still leaves 'acturos' without a subject; while the fact of immediate or later payment seems unconnected with the case in point. Mommsen suggests 'inviti fiunt. Qui sponte fiunt decuriones ita existimo facturos ut praefati id ceteris praeferantur'; praefati id meaning 'by a statement that they will pay the fee.' With the help of these two last emendations I venture to read 'inviti fiunt decuriones. Qui sponte fiunt id existimo acturos ut praestatione ceteris praeferantur.'

praestatione. Cf. *Digest*, 31, 1, 35, 'praestatio dotis'; *ib.* 10, 3, 7, 'vectigalium praestatio. *Cod. Iust.* 3, 33, 10, 'sub certa annua praestatione.'

inviti fiunt decuriones. Qui sponte fiunt id existimo acturos, ut praestatione ceteris praeferantur.

1 fiunt decuriones id existimo acturos ut praefatio ceteris praeferatur, *Avant.* fi. dec.; exist. id act. ut erogatio ceteris praeferatur, *Ald.* For conjectures see note *ad loc.*

CXIIII [CXV]

De adiectione civium

C. PLINIUS TRAIANO IMPERATORI

1 Lege, domine, Pompeia, permissum Bithynicis civitatibus adscribere sibi quos vellent cives, dum ne quem earum civitatum quae sunt in Bithynia. Eadem lege sancitur quibus de

2 dum ne quem earum civitatum, *B.* dum neque merum civ. *Avant.* dumtaxat earum civ. *Cat.* dum civitatis non sint alienae sed suarum quisque matrum civ, *Ald.*

§ 1. The cities of Bithynia, sire, are allowed by the lex Pompeia to confer their citizenship on any persons they like, provided they are not already citizens of any Bithynian community. The same law lays down the reasons which justify expulsion from the senate by the censors. § 2. Accordingly I have been consulted by some of the censors as to whether they are bound to expel those who belong to another Bithynian city. § 3. The law expressly forbids such men to be admitted as citizens, but it says nothing about their expulsion from the senate. Moreover I hear that many senators in every state are in this position, and, as this part of the law has long been neglected, that great confusion would be caused to individuals and cities by insisting on it. I therefore thought it best to ask your advice. I append the clauses of the law in question.

Lege Pompeia, see on *Ep.* 79.

adscribere sibi quos vellent cives. All communities consisted of cives and incolae, the latter being those who had taken up a permanent abode (domicilium) in the city. These incolae might become citizens either by the adoption of a civis or by 'adlectio inter cives' on the part of the municipality. *Cod. Iust.* 10, 39, 7, 'cives quidem origo, manumissio, adlectio vel adoptio, incolas vero domicilium facit.'

dum ne quem earum civitatum, etc. A Roman citizen could only receive the civitas of another city joined by a foedus with Rome by losing as an exile or voluntary giving up the Roman civitas. Cic. *pro Balb.* xii 29, 'Quod si civi Romano licet esse Gaditanum sive exilio sive postliminio sive reiectione huius civitatis,' and again 'atqui ceterae civitates omnes non dubitarent nostros recipere in suas civitates si idem nos iuris haberemus quod ceteri. Sed nos non possumus et huius esse civitatis et cuiusvis praeterea; ceteris concessum est.' Cf. also Tac. *Ann.* iv 43, 'Tum tractatae Manssiliensium preces, probatumque P. Rutilii exemplum. Namque eum legibus pulsum civem sibi Smyrnaei addiderant. Quo iure Vulcatius Moschus exul in Massilienses receptus bona sua reipublicae eorum ut patriae reliquerat.' In Achaia apparently there was no restriction on the adlectio of cives from other cities of the same province. Cf. Cic. *pro Balb.* xii 30, 'Itaque in Graecis civitatibus videmus Athenis, Rhodios, Lacedaemonios, ceteros undique adscribi multarumque esse eosdem homines civitatum.' But this would obviously give rise to many inconveniences and confusions, which Pompeius in drawing up the lex provinciae for Bithynia and Pontus aimed at avoiding by this proviso, 'dum ne quem earum civitatum quae sunt in Bithynia.' As to the reading, I have restored that of the Bodleian copy where the reading of Avantius 'dum neque merum civitatum' is altered by an obvious correction. Catanaeus reads 'dumtaxat earum civitatum,' and the Aldine edition 'dum civitatis non sint alienae, sed suarum quisque matrum civitatum.' But these are evidently mere conjectures, and

causis e senatu a censoribus eiciantur. Inde me quidam ex 2
censoribus consulendum putaverunt an eicere deberent eum
qui esset alterius civitatis. Ego, quia lex sicut adscribi civem 3
alienum vetabat, ita eici e senatu ob hanc causam non iubebat, praeterea quod adfirmabatur mihi in omni civitate plurimos esse buleutas ex aliis civitatibus futurumque ut multi homines multaeque civitates concuterentur, ea parte legis quae iam pridem consensu quodam exolevisset, necessarium existimavi consulere te quid servandum putares. Capita legis his litteris subieci.

1 a om, *Avant.* Ald. interpolates after eiciantur inter quas nihil de cive alieno cavetur.
5 praeterea quod, *Beroaldus.* praeterea quibus, *Avant.* praeterea a quibusdam, *Cat.* praeterea quia ab aliquibus, *Ald.*
8 concuterentur; ea pars legis, *Avant.* concuterentur si revocaretur ea pars legis, *Cat.* concut. eaque pars legis, *Ber.* concut. ea parte legis, *Ald.*
9 consensui, *Avant.*

depend on the mistaken idea that it was more allowable to admit citizens from other Bithynian towns than from other provinces. Orelli had already seen what the real reading was in his edition of 1838.

e senatu a censoribus eiciantur. The reasons for expulsion from the senate are given in lex Iul. Munic. 105-124, they were mainly conviction on any criminal charge, 'queive iudicio publico Romae condemnatus est erit . . . neque in integrum restitutus est erit.' See also *lex Col. Gen.* c 105 and Mommsen, *Eph. Epigr.* ii p. 133; also *Dig.* 50, 2, 2, 'qui ad tempus relegatus est, si decurio sit, desinet esse decurio,' *ib.* 2, 5, 'ad tempus ordine motos ex crimine quod ignominiam importat in perpetuum moveri placuit,' 48 10, 13. The Aldine edition interpolates after eiciantur, 'inter quas nihil de cive aliquo cavetur,' which is not required. See § 3, 'ita eici e senatu ob hanc causam non iubebat.'

§ 2. **qui esset alterius civitatis,** *i.e.* of course of another Bithynian state. Such persons by the lex Pompeia would be incolae, who though bound to undertake the munera of the city in which their domicilium was (*Cod. Iust.* 10 40(39)5), were strictly not allowed to hold any of the 'honores municipales,' Cic. *de Off.* i 34, 125, 'peregrini autem et incolae officium est, nihil praeter suum negotium agere nihil de alio conquirere, minimeque esse in aliena republica curiosum.' But in exceptional cases they were allowed to do this. Cf. Agennius Urbicus in Gromat. p. 84 (cited in Marquadt, *Staatsverw.* i p. 136), 'sed haec quaedam coloniae aut beneficio conditorum perceperunt, ut Tadertini, aut postea apud principes egerunt, ut Fanestres, ut incolae etiam si essent alienigenae, qui intra territorium colerent, omnibus honoribus fungi in colonia deberent.' So Orell. 3725, 'adlectus in curiam Lugdunensium nomine incolatus a splendidissimo ordine eorum,' also 2066, 'IIIIII Vir et incola,' 3709, 'incola ex DD (decreto decurionum) municip. municipi pontif.' As the decurionatus became more a burden and less an honour, cases of this kind naturally became more frequent.

§ 3. **ita eici e senatu ob hanc causam non iubebat,** because at that period the practice of admitting incolae to the senate had not commenced.

concuterentur. Cf. Plin. *Panegyr.* 6 'confugit in sinum tuum concussa res publica.' Tac. *Hist.* iii 45, 'concussa Transrhenanorum fide,' Ann. xiv 43, 'concusso senatus consulto.' Liv. xxviii 44, 11, 'concusso iam et paene tracto Hannibale.'

ea parte legis quae. This is the reading of the Aldine edition which I have here adopted in preference to Keil's 'cum ea pars legis iampridem,' as least diverging from the reading of Avantius, 'ea pars legis quae iampridem.' Catanaeus interpolates 'si revocaretur' before 'ea pars.'

capita legis . . . subieci, cf. *Ep.* 83, 92, and 107.

CXV [CXVI]

TRAIANUS PLINIO S.

Merito haesisti, Secunde carrissime, quid a te rescribi oporteret censoribus consulentibus, an manere debeant in senatu aliarum civitatum, eiusdem tamen provinciae cives. Nam et legis auctoritas et longa consuetudo usurpata contra legem in diversum movere te potuit. Mihi hoc temperamentum eius placuit ut ex praeterito nihil moveremus, sed manerent quamvis contra legem adsciti quarumcumque civitatum cives, in futurum autem lex Pompeia observaretur; cuius vim si retro quoque velimus custodire, multa necesse est perturbari.

1 ad te, *Avant.*
2 temporibus, *Avant.*; censoribus, *B. and Ald.*
an . . . in Senatum — cives, *Avant.*
an legerent in sen.—cives, *B. and Ald.*
an in senatu manere possent aliarum—cives, *Cat.*
6 noveremus, *Avant.*

You had good reason for hesitating as to your answer, my dear Pliny, to the question of the censors whether citizens belonging to other communities in the same province could be allowed to remain in the senate. For the authority of the law would lead you to one decision, and long continued practice prevailing in spite of it to another. A compromise seems necessary; let us make no change in the past; let the senators of all states, however illegally appointed retain their seats; but in future let the Pompeian law be observed. To make the change retrospective would no doubt cause confusion.

an manere deberent. The reading of Avantius is 'an . . . in senatum—cives.' The hiatus has been variously filled up. The Bodleian copy and Aldus have 'an legerent in senatum,' etc. Beroaldus an in senatum—cives adscriberentur.' But this was not the question of the censors; it was whether they were bound to expel such senators; I have therefore adopted with the substitution of 'deberent' for 'possent' the emendation of Catanaeus 'an manere possent in senatu,' etc. Cf. below 'sed manerent,' etc.

usurpata, the idea of illegality in usurpare is post-Augustan. Cf. Suet. *Claud.* 25, 'Romanam civitatem usurpantes securi percussit.' Tac. *Ann.* xiv 26, 'incendiis perpopulatus possessionem Armeniae usurpabat.' *Dig.* 47, 22, 2, 'quisquis illicitum collegium usurpaverit.'

nihil moveremus. This makes equally good sense and is slightly nearer to the unintelligible 'noveremus' of Avantius than the 'novaremus' of Aldus.

manerent, *i.e.* in senatu; see above.

retro. For its meaning of 'in past time,' cf. Cic. *de Rep.* i 37, 58, 'et deinceps retro usque ad Romulum.' Orell. 1098, 'omnes retro principes.' Hor. *Od.* iii 29, 46, 'quodcumque retro est.'

CXVI [CXVII]

C PLINIUS TRAIANO IMPERATORI

De divisione sportularum

1 Qui virilem togam sumunt vel nuptias faciunt vel ineunt magistratum vel opus publicum dedicant, solent totam bulen

atque etiam e plebe non exiguum numerum vocare binosque denarios vel singulos dare. Quod an celebrandum et quatenus putes rogo scribas. Ipse enim (sicut arbitror), praesertim ex 2

§ 1. Those who assume the 'toga virilis,' or celebrate a wedding, or enter on a magistracy, or dedicate a public work, invite sometimes the whole senate and considerable number of the plebs, giving each a present of one or two denarii. I should be glad to know how far this should be allowed. § 2. It was, I believe, your own order that on special occasions the invitations should be allowed, but I am afraid that those who invite a thousand or more exceed the limit which should be observed and practically make a public distribution.

virilem togam. Cf. Pliny *Ep.* 1, 9, 2, 'Si quem interroges "hodie quid egisti," respondeat officio togae virilis interfui sponsalia aut nuptias frequentavi,' etc. At the beginning of the sixteenth year (though the exact age has been much disputed) youths laid aside the toga praetexta, and assumed the toga virilis. Suet. *Aug.* 8: Caligula was not allowed to do so till he was twenty; Suet. *Calig.* 10, 'inde vicessimo aetatis anno accitus Capreas . . . uno atque eodem die togam sumpsit barbamque posuit.' On the other hand, Nero assumed it earlier than usual. Tac. *Ann.* xii 41, 'virilis toga Neroni maturata.' The ceremony was called 'tirocinium fori,' Suet. *Aug.* 26, 'petiit ut . . . suo quemque tirocinio deduceret in forum.' Suet. *Tib.* 54, 'diemque utriusque tirocinii . . . celebravit.' *id. Ner.* 7, 'deductus in forum tiro.' The toga vir. was white without the purple stripe of the praetexta, and hence was called 'toga pura,' Cic. *ad Att.* v 20; or toga libera, because his independent life was to begin, Ovid. *Trist.* v 777, 'vestis quoque libera per te Sumitur et vitae liberioris iter.' The ceremony usually took place on the Liberalia, *i.e.* March 16, Ovid. *Fast.* iii 771. A sacrifice to the Lares was first performed, Pers. v 30, before whose altar the insignia puerilia were deposited. After proceeding to the forum, the party offered a sacrifice on the Capitol, Suet. *Claud.* 2; and the youth could then in theory though not in practice take part in public life. No doubt a similar ceremony took place in the provinces, and the invitation banquet would close the proceedings. See Becker's *Gallus*, pp. 195-197, and Pauly, *Real Encyclop.* vol. vi, p. 1995.

ineunt magistratum. The motive for this extensive banquet after election to a magistracy was the fact that popular election was retained in the provincial towns long after in Rome it had been transferred to the senate (Tac. *Ann.* i 15). So at Lugdunum we find a man, 'II Vir designatus ex postulatione populi.' The numerous wall-inscriptions at Pompeii prove the same thing. See Wilmann, 1952 to 1959; also Henz. 6975; 6566, etc.

opus publicum dedicant. For dedicare in the sense of consecrating a thing to its future use, cf. Suet. *Aug.* 43, 'commissione ludorum quibus theatrum Marcelli dedicabat'; *id. Ner.* 12 and 31; *Vesp.* 19, 'amphitheatro dedicato.' See also *Ep.* 81, 'cum adsignari civitati opus vellet.'

vocare. These public banquets were given frequently by the emperors, Suet. *Aug.* 74, 'convivabatur assidue, nec unquam nisi recta; non sine magno ordinum hominumque delectu.' *Tib.* 34, 'solemnibus cenis;' *Claud.* 32, 'convivia agitant et ampla et assidua ac fere patentissimis locis, ut plerumque sexcenteni simul discernerent;' *Vesp.* 19, *Dom.* 21. Publicae cenae were also given by individuals on such occasions as birthdays as well as those mentioned in this letter. Cf. Appuleius, *Apol.* p. 416, 'Quippe ita placuerat ut in suburbana villa potius coniungeremur, ne cives denuo ad sportulas convolarent, cum haud pridem Pudentilla de suo quinquaginta milia nummum in populum expunxisset ea die qua Pontianus uxorem duxit, et hic puerulus toga est involutus.' Nero reduced them to a mere gift of money and food which was carried away, (Suet. *Ner.* 16, 'adhibitus sumptibus modus; publicae cenae ad sportulas redactae.' Domitian, however, rescinded this. Suet. *Dom.* 7, 'sportulas publicas sustulit, revocata rectarum cenarum consuetudine.' How far these edicts of Nero and Domitian applied to the provinces as well as Rome we do not know. In Bithynia at any rate the cenae publicae seem to have been combined with a sportula or money-dole of one or two denarii (16 or 32 asses). The usual sportula at Rome given to the clients, and even, according to Juvenal, to the nobility as well, was 100 quadrantes (25 asses). Friedländer, vol. i pp. 420-422.

quod et quatenus. Cf. *Ep.* 96, 1.

ex solemnibus causis. Solemnis has here rather more the common post-

sollemnibus causis, concedendas iussisti invitationes, at vereor ne ii qui mille homines, interdum etiam plures vocant modum excedere et in speciem dianomes incidere videantur.

1 concedendum iussi immutationes, *Avant.*
concedendum iussi invitationes, *Ald.*
conced. ius invitationis, *Schaeffer.*
conced. iussisti invit. *B. and Budaeus.*
concedendas esse invit. *Or.*
at, *Avant. Ald.*, etc.
3 dianomes, *B.*
diamories, *Avant.*
diamones, *Ald.*
incipere, *Avant. and Ald.*
incidere, *Cat.*

Augustan signification of 'usual' or 'ordinary'; it means rather 'accompanied by solemnia.' It would therefore include the 'tirocinium fori' and 'nuptiae'; would certainly exclude election to a magistracy, and might or might not include the 'dedicatio operis.'

mille homines. The publicae cenae of Claudius were considered 'amplae'; but he only invited 600 guests. Suet. *Claud.* 32, cited above.

concedendas iussisti invitationes. Iussisti is the reading both of Budaeus and the Bodleian copy, and as both profess to be taken from the Parisian codex, their agreement is nearly conclusive. I have however altered 'concedendum' into 'concedendas,' as the 'poenas in morbe timendum est' of Lucretius does not justify the same construction in Pliny. 'You, I believe, gave orders (*i.e.* to previous proconsuls) that invitations should be allowed, especially,' etc. Avantius has 'concedendum iussi immutationes;' Schaeffer conjectures 'concedendum ius invitationis'; and Orelli, 'concedendas esse invitationes.'

in speciem dianomes. Cf. the term 'divisores,' professional bribers who undertook to distribute a candidate's money among the tribes. Cic. *pro Planc.* xix 48, 'doce id . . . quo divisore corrupta sit;' id. *in Verr.* i 8, 22, 'divisores omnium tribuum noctu ad istum vocatos.' id. *pro Mar.* xxvi 84, 'de divisorum indiciis et de deprehensis pecuniis.' So dianome here means—distribution for corrupt ends. Elsewhere divisio is used of legal distributions of money by testament, etc.; *Dig.* 30, 122, 'quod ad divisionem singulorum civium vel epulum relictum fuerit.' ib. 33, 1, 23, cum quidam decurionibus divisiones dari voluisset die natalis sui, etc. Orell. 3094, 4396. The reading of Avantius was 'diamories'; of the Aldine edition 'diamones'; dianomes was first conjectured by Casaubon, and is now confirmed by the Bodleian copy.

CXVII [CXVIII]

TRAIANUS PLINIO S.

Merito vereris ne in speciem dianomes incidat invitatio, quae et in numero modum excedit et quasi per corpora, non viritim singulos ex notitia, ad sollemnes sportulas contrahit. Sed ego ideo prudentiam tuam elegi ut formandis istius pro-

1 in malam speciem, *Budaeus.*
immutatio, *Avant.*

You are right in fearing lest the custom of general invitations should lead to corrupt practices, if the guests are excessive in number and are invited to these festivities collectively rather than individually. But I have appointed you for the express purpose of influencing the manners and customs of the province, and you must take what measures are necessary to its lasting tranquility.

quasi per corpora, *e.g.*, the whole senate was invited, and it is not improbable that the various collegia or guilds may have been invited collectively. That these collegia exercised considerable influence in the comitia, we know from the

vinciae moribus ipse moderareris et ea constitueres quae ad perpetuam eius provinciae quietem essent profutura.

1 constitueres, *Ernesti.* constitutus, *Avant. and Ald.*

Pompeian wall-inscriptions; Wilmann, 1955 *d*, 'pomari facite,' 1955 *e*, 'caupones facite,' 1955 *f*, 'unguentari facite rogo,' etc.

viritim. Cf. Suet. *Caes.* 38, 'trecenos quoque nummos, . . . viritim divisit. *Aug.* 41, *Ner.* 10.

ex notitia, from their personal acquaintance: abstract for concrete; cf. custodias = prisoners.

sportulas; see above, and cf. *Ep.* ii 14, 4, 'in media basilica tam palam sportulae quam in triclinio dantur.' Cf. *Dig.* 50, 2, 6, 1, 'Minores quinque viginti annorum decuriones facti sportulas decurionum accipiunt.'

ideo prudentiam tuam elegi ut. Cf. *Ep.* 32, 'Meminerimus idcirco te in istam provinciam missum quoniam multa in ea emendanda apparuerint.'

CXVIII [CXVIIII]

De Iselasticis

C. PLINIUS TRAIANO IMPERATORI

Athletae, domine, ea quae pro iselasticis certaminibus con- 1
stituisti deberi sibi putant statim ex eo die quo sunt coronati: nihil enim referre quando sint patriam invecti, sed quando cer-

1 cohortaminibus, *Avant.* certaminibus, *B. and Ald.*
2 statum, *Avant.*

§ 1. The athletic victors, sire, consider that the rewards which you have established for the Iselastic contests should date from the day on which they were crowned, and not from that of their triumphal entry into their native city. I, however, looking to the meaning of the term, greatly doubt whether the date of the public entry should not be looked to. § 2. They also claim the rewards for those contests, which you only decreed should be iselastic, after their victories. They say it is only fair that, as they do not receive the rewards for those contests which since their victories have ceased to be iselastic, so they should receive them for those which have since become so. § 3. Here, too, I am very doubtful whether any retrospective claims should be allowed, and rewards given, which at the date of the victories could not be claimed. I beg you, therefore, to give an authoritative ruling about those benefactions.

§ 1. **pro iselasticis certaminibus.** The locus classicus for those institutions is Vitruv. *pref.* 9, 'Nobilibus athletis qui Olympia, Pythia, Isthmia, Nemea vicissent, Graecorum maiores ita magnos honores constituerunt, uti non modo in conventu stantes cum palma et corona ferant laudes, sed etiam quum revertuntur in suas civitates cum victoria triumphantes quadrigis in moenia et in patrias invehantur e reque publica perpetua vita constitutis vectigalibus fruantur.' So cf. Dio Cass. 63, 20, ''Ἐπεὶ δ' οὖν ἐς τὴν Ῥώμην ἐσήλασε, τοῦ τε τείχους τι καθῃρέθη καὶ τῶν πυλῶν περιερράγη νενομίσθαι τινῶν λεγόντων ἑκάτερον τοῖς ἐκ τῶν ἀγώνων στεφανηφόροις γίγνεσθαι;' and Suet. *Ner.* 25, 'Reversus e Graecia Neapolim, quod in ea primum artem protulerat, albis equis introit, disiecta parte muri, ut mos hieronicarum est.' It is possible that 'asticos ludos' in Suet. *Calig.* 20 should be 'iselasticos ludos,' though Friedländer prefers 'Actiacos ludos.' It is clear from this letter that Trajan (1) increased the vectigalia or obsonia or iselastica which these victors received, and which may probably have consisted in a daily allowance either of money or food; (2) that he gave the privileges of iselastic contests to some which hitherto had not had it; and (3) took them away from others. The Pialia

tamine vicerint, ex quo invehi possint. Ego contrascribo 'iselastici nomine' ita ut vehementer addubitem an sit potius
2 id tempus quo εἰσήλασαν intuendum. Iidem obsonia petunt pro eo agone qui a te iselasticus factus est, quamvis vicerint ante quam fieret. Aiunt enim congruens esse, sicut non dentur sibi pro his certaminibus quae esse iselastica postquam
3 vicerunt desierunt, ita pro iis dari quae esse coeperunt. Hic quoque non mediocriter haereo ne cuiusquam retro habeatur ratio; dandaque quae tunc cum vincerent non debebantur.

1 contra scribo Iselastici nomine, *Avant. and Ald.*
contra servo Iselastici nomine data, *Keil.*
contrascribo, *Orell.*
2 ita ut, *Ber.*
itaque eorum, *Avant. and Ald.*
ita tamen ut, *Cat.*
3 εἰσήλασαν, *B. and Cat.*
Iselasiani, *Avant.*
iselasian, *Ald.*
5 fierent, *Avant.*
6 non dentur, *Schaeffer.*
non datur, *Ald.*
nunc detur, *Orell.*
9 dandaque quae, *Ber.*
dandamque quod, *Avant.*
dandumque quod, *Ald. and B.*

established by Antoninus Pius in honour of Hadrian were described as quinquennale certamen sacrum iselasticum.

ex eo die quo sunt coronati. This seems to imply that a daily allowance and not a fixed sum was the reward established by the emperor.

sint patriam invecti = εἰσήλασαν.

ego contrascribo 'iselastici nomine.' I am in the habit of countersigning the drafts for payment with the words 'under the head of iselastic money.' This is Orelli's reading and explanation of the passage in Avantius, 'ego contra scribo Iselastici nomine,' and it seems to me entirely satisfactory. Catanaeus alters it to 'Iselasticorum nomine,' and Keil, on Mommsen's suggestion, emends to 'ego contra servo iselastici nomine data.' The drafts for payment of these pensions would be brought by the procurators to be countersigned by the governor of the province in the form 'tot denarii solvuntor huic vel illi athletae iselastici nomine.' The term 'contrascriba' is found in an inscrip., Orell. 3208, and is equivalent to ἀντιγραφεύς.

ita ut vehementer addubitem. Avantius has 'itaque eorum vehementer addu.,' which Beroaldus alters to 'ita ut veh. addu.' Cf. *Ep.* ii 19, 1, 'quamvis vehementer addubitem.'

vehementer addubitem an, 'I am strangely inclined to think that;' cf. the idiomatic use of 'haud scio an.' The words are only capable of this meaning, although Roby says, § 2256, that such expressions in post-Augustan authors signify mere uncertainty or doubt.

quo εἰσήλασαν. This is the emendation of Catanaeus for the unintelligible 'Iselasiani' of Avantius. Cf. Dio Cass. 63, 20.

§ 2. **obsonia.** The word seems to be used here in its Greek sense of wages, pay, or salary, cf. Polyb. iii 25, 4; St. Luke iii 14, 'ἀρκεῖσθε τοῖς ὀψωνίοις ὑμῶν;' though it is quite possible that the rewards may have consisted partly in corn, wine, or oil. Cf. the use of sportula both for food and money.

qui a te iselasticus factus est; see above.

sicut non dentur, etc., that is to say, the pension ceased as soon as the privilege of being 'iselastici' was taken away from these agones. The most reasonable (congruens) thing, according to modern ideas, would be that the victors in 'iselastici ludi' should retain their vested interests; while victors in ludi afterwards made iselastici would be unaffected by the change.

quae esse coeperunt, *i.e.* postquam vicerunt.

§ 3. **haereo ne cuiusquam.** For 'ne' in the sense of whether, cf. Cic. *Tusc.* v 15, 45, 'Videamus ne, ut acervus ex sui generis granis, sic beata vita ex sui similibus partibus effici debeat.' Plaut. *Aulul.* Prol. 39, 'Credo aurum inspicere volt, ne surreptum siet;' *id.* Capt. i 2, 24, 'visam ne nocte hac quippiam turbaverint.'

Rogo ergo ut dubitationem meam regere, id est, beneficia tua interpretari ipse digneris.

dandaque quae tunc, etc. This is the reading of Beroaldus for 'dandamque quod' of Avantius.

beneficia tua, that is, the privileges granted to these victors.

CXVIIII [CXX]

TRAIANUS PLINIO S.

Iselasticum tunc primum mihi videtur incipere deberi, cum quis in civitatem suam ipse εἰσήλασεν. Obsonia eorum certaminum quae iselastica esse placuit mihi, si ante iselastica non fuerunt, retro non debentur. Nec proficere pro desiderio athle-

2 εἰσήλασεν, *B.* eiselasen, *Ald.* Iselasen, *Avant.*

The privileges you speak of ought, in my opinion, only to begin after the triumphal entry has taken place, nor are the prizes for the contests which I have made iselastic due to any victors prior to that date. The fact that the victors no longer receive the pension for the contests from which I have taken away the iselastic privileges since their victories, does not assist their claim, for though the conditions of the contests are changed, the payments made to them are not reclaimed.

iselasticum = the money or food given to the victors. Cf. 'iselastici nomine.'

incipere. This word, like the 'ex eo die' of the previous letter, implies a continuous or periodical payment.

εἰσήλασεν. Iselasen, Avantius; eiselasen, Ald. ed.

quae iselastica esse placuit mihi; cf. 'qui a te iselasticus factus est.'

retro non debentur; an answer to the question, 'haereo ne cuiusquam retro habeatur ratio.'

nec proficere pro desiderio, etc. The passage is handed down in a corrupt form. Avantius has 'potest quid eorum quae postea iselastica non lege constitui quam qui ierant accipere desierunt,' which Döring fancies can be made satisfactory by a simple change of non into 'nova.' He, however, has to take (1) 'quid eorum quae postea constitui,' any of my subsequent regulations, as subject of 'potest;' (2) he apparently takes iselastica as abl. agreeing with 'nova lege;' (3) he refers 'quam' to a 'nec magis,' which, as he naïvely observes, Pliny had better have put in; and (4) he takes 'qui ierant' as those who have made their triumphal entry. If all these four points were as admissible as they are the opposite, I still fail to see how the sentence could be translated. Catanaeus, with no better success, reads 'potest: tam eorum: quae postea Iselastica lege constitui: quam cum vincerent esse desierunt.' 'Lege' must evidently be wrong; and 'qui ierant' is unmeaning. Schaeffer's change of 'non lege' into 'non esse,' and 'quam qui ierant' into 'quam vicerunt,' renders the passage perfectly intelligible, and is, I have no doubt, right. 'Nor does it help their case that they have ceased to receive the stipend for those contests which since their victories I have determined are not to be iselastic. For,' etc. This, of course, refers to Pliny's words, 'sicut non dentur sibi pro his certaminibus quae esse iselastica postquam vicerunt desierunt.'

nihilo minus quae ante perceperant, etc. The argument of the athletes is that it is not consistent for them to lose the future emoluments of contests since made non-iselastic, and not to gain those of contests made iselastic since their victory. Yes—Trajan answers—it is perfectly consistent, neither action is retrospective: in the one case their retrospective claims are not allowed; in the other the emoluments already received are not taken away. Trajan must have been a little ironical in this latter statement, and one cannot but feel that the athletes have some cause to complain of the imperial logic. Avantius reads 'quae

tarum potest quod eorum quae postea iselastica non esse constitui quam vicerunt accipere desierant. Mutata enim conditione certaminum nihilo minus quae ante perceperant non revocantur.

1 quid eorum quae postea Iselastica non lege constitui, *Avant. and Ald.*
tam eorum : quae postea Iselastica lege constitui quam cum vincerent esse desierunt. *Cat.*
Schaeffer conj. 'non esse' for 'non lege.'
2 quam qui ierant, *Avant and Ald.*
cum vincerent, *Cat.*
3 peregerant, *Avant.*
perceperant, *B. and Ald.*

ante peregerant.' Beroaldus, whom Orelli follows, prefers 'peregerat,' making conditio the subject. I have restored 'perceperant' on the authority of the Bodleian copy.

CXX [CXXI]

De Diplomatibus

C. PLINIUS TRAIANO IMPERATORI

1 Usque in hoc tempus, domine, neque cuiquam diplomata commodavi neque in rem ullam nisi tuam misi. Quam perpe-
2 tuam servationem meam quaedam necessitas rupit. Uxori enim meae audita morte avi volenti ad amitam suam excurrere usum eorum negare durum putavi, cum talis officii gratia in celeri-

3 servationem, *Avant. and Ald.* observationem, *Cat.*

§ 1. Hitherto, sire, I have never granted 'diplomata' to any one except on your service. Now, however, I have been, as it were, compelled to break this rule. § 2. My wife, hearing of her grandfather's death, wished to visit her aunt, and I thought it hard to refuse her a diploma, as the grace of such a visit depends on its promptitude, and I knew that you would approve of a journey grounded on filial duty. I write this, because I thought it ungrateful not to confess that among the benefits I owe to your indulgence I ought to reckon this, that, in reliance upon it, I have ventured, without consulting you, to do what, if I had waited to consult you, would have been done too late.

§ 1. **diplomata**, see note on *Ep.* 45.

neque in rem ullam nisi tuam. Cf. *Ep.* 64, 'festinationem tabellarii quem ad te cum epistulis misit diplomate adiuvi.'

servationem. A very rare word, which Catanaeus emends by 'observationem.' Perhaps, as Keil suggests, 'rationem' should be read.

§ 2. **Uxori.** This was Pliny's third wife Calpurnia, whom he had recently married, when the fourth book was published, *i.e.* about 105. See iv 1, written to Fabatus, 'cupis post longum tempus neptem tuam meque una videre,' and iv 19, written to Calpurnia Hispulla. She had lost both father and mother, whose places were taken by her grandfather, Calpurnius Fabatus, and her aunt, Calpurnia Hispulla, iv 19, 5; v 11, 2; vi 12, 3. Cf. also iv 13, 5, 'nondum liberos habeo.' Her miscarriage is mentioned, viii 10 and 11, in letters to her grandfather and aunt. Pliny writes to her, vi 4 and 7, and vii 5. She probably outlived her husband.

audita morte avi. This was L. Calpurnius L.f. Fabatus, to whom Pliny writes iv 1; v 11; vi 12 and 30; vii 11, 16, and 23; viii 10. Cf. v 14, 8, 'eram cum prosocero meo.' He dedicated a

tate consisteret sciremque te rationem itineris probaturum, cuius causa erat pietas. Haec tibi scripsi, quia mihi parum gratus fore videbar, si dissimulassem inter alia beneficia hoc novum quoque me debere indulgentiae tuae, quod fiducia eius quamquam inconsulto te non dubitavi facere quod, si consuluissem, scilicet sero fecissem.

1 te, om. *Avant.*
3 hoc uno quod, *Avant.*
hoc unum quod, *Ald.*
hoc novum quoque, *Orell.*
hoc quoque me, *Gesner.*
5 qua inconsulto te, *Avant.*
quasi consulto te, *B. and Ald.*
quamvis inconsulto te, *Orell.*
facere, om. *Avant.*
add. *B. and Ald.*
quem si consuluissem sic sero, *Avant. and Cat.*
quod, *B.*
quae, *Keil.*

porticus at Comum, v 11, of which he was evidently a native, vii 32, 1. He was accused under Nero of complicity in a case of incest, but escaped, Tac. *Ann.* xvi 8. In an inscr. found at Comum, C. I. L. v 5267, *Herm.* iii p. 114, he is mentioned as 'iiii vir i(uri) d(icundo) praef. fabr. tribunus mil. leg. xxi Rapacis: praef. cohort. vii Lusitanorum: et nationum Gaetulicorum sex quae sunt in Numidia.' He is an old man, vii 23 and viii 10, 2.

ad amitam suam. Calpurnia Hispulla, see iv 1, 7, and v 14, 8. Pliny writes to her, iv 19 and viii 11.

excurrere, cf. *Ep.* 8, 3.

sciremque te rati. itin. probat. 'Te' is omitted in Avantius, but I have restored it from Aldus.

si dissimulassem . . . indulgentiae tuae. Avantius reads 'si dissimul. inter alia beneficia hoc uno quod me debere;' Beroaldus 'hoc uno quoque me debere;' Catanaeus 'hoc unum quoque me deb.;' Gesner conjectures 'hoc quoque me debere;' and Orelli 'hoc novum quoque me deb.,' which I have adopted as involving least departure from Avantius.

quamquam inconsulto te. Avantius has 'qua inconsulto te;' Aldus 'quasi consulto te.'

non dubitavi facere. Avantius omits facere; Catanaeus reads 'praeripere non dubitavi;' Aldus first inserts 'facere.'

quod si consuluissem; quem is the reading of Avantius, Catanaeus, and Aldus, but I have followed the Bodleian copy: 'quod;' Keil reads 'quae.'

CXXI [CXXII]

TRAIANUS PLINIO S.

Merito habuisti, Secunde carissime, fiduciam animi mei, quae dubitanda fuisset, si expectasses, donec me consuleres

2 nec dubitandum fuisse si expectasset, *Avant.*
fuisset and expectasses, *B. and Ald.*
nec dubitandum fuit tibi facere quae sero fecisses si, etc., *Momms.*

You were right, my dear Pliny, in putting confidence in my feelings for you, which would have appeared doubtful if you had waited to consult me about assisting your wife's journey with your official diplomata, as she was clearly bound to be with her aunt without delay.

fiduciam animi mei. Cf. Verg. *Aen.* i 132, 'Tantane vos generis tenuit fiducia vestri?' Plin. *Ep.* iv 24, 1, 'fiducia mei.'

quae dubitanda fuisset. Avantius has 'neque dubitandum fuisse,' which makes no sense, even if with the Bodleian copy we read 'fuisset.' Mommsen suggests, and Keil adopts, the insertion of several words, thus: 'nec dubitandum

an iter uxoris tuae diplomatibus, quae officio tuo dedi, adiuvandum esset, cum apud amitam suam uxor tua deberet etiam celeritate gratiam adventus sui augere.

2 esse et cum, *Avant.* esset cum, *B.*

fuit tibi facere quae sero fuisses si,' etc. I cannot help thinking that the reading I have adopted makes equally good sense, and renders any interpolation unnecessary. Trajan says that Pliny's confidence in him would have appeared doubtful if he had waited. Catanaeus, in his ed. of 1519, reads 'nec dubitandum fuisset;' while Aldus inserts after 'adiuvandum esset,' 'usum eorum intentioni tunc non profuisse.'

si expectasses. Avantius has 'expectasset.'

quae officio tuo dedi, see on *Ep.* 45. Each provincial governor was furnished with a number for the year, signed by the emperor, and to be countersigned by him in inserting the name of the recipient.

APPENDIX

ON PLINY AND THE CHRISTIANS

SINCE this book has passed through the press my attention has been called to the treatment of the question by Bishop Lightfoot (*Apostolic Fathers*, Part ii. pp. 1-21), who, while taking the view adopted in the Introduction that Trajan did not definitely and for the first time introduce a policy of persecution, and that his rescript was actuated by political considerations rather than religious, and had reference mainly to the possible dangers of secret associations, still so far follows the generally received view of ecclesiastical critics as to consider it a distinct persecution, following those of Nero and Domitian, and indeed as 'the most severe of all the persecutions of which we have any knowledge during the first and second centuries.' Taking this view of the events of Nero's and Domitian's reigns, Dr. Lightfoot naturally joins issue with the view that during the whole of the first century the Christians were regarded as a sect of the Jews, and therefore shared whatever measure of toleration was accorded to the latter. He admits, however, as an indisputable fact that at first this confusion between Jew and Christian did exist. 'But from the first moment when the Christians began to be troublesome to others and to get themselves into trouble in consequence, it became a matter of the highest concern to the Jews to emphasise the distinction between themselves and the new religion.' This is no doubt true, but when did this take place? The freedom of preaching allowed to St. Paul in Rome shows that they had not begun to make themselves troublesome, or to get into trouble with the government within a year of the so-called Neronian persecution. As far as that persecution goes, therefore, Dr. Lightfoot's argument does not apply. But apart from this, would the Jews have been more successful in convincing the government at Rome of the distinction between them and the Christians than they were with such men as Gallio in the provinces? Dr. Lightfoot thinks they would, because 'they had a powerful advocate at headquarters. If Nero ruled the world, Poppaea ruled Nero.' Poppaea was no doubt affected by

the craze, not unfashionable among Roman ladies, for Jewish proselytism, but that she herself understood the distinction between Judaism and Christianity, or could have made Nero understand it too, or that through her influence 'the Jews were in the ascendant at the imperial court at that moment,' are none of them suppositions which have sufficient probability to be taken into serious account. That with or without Poppaea's help, 'the Jews may have taken the opportunity of calumniating the Christians, and so transferring much of the sudden odium from themselves to this hated sect,' is what I have already said, but that by no means shows a Christian persecution to have taken place. But Dr. Lightfoot lays even more stress on the language of Tacitus and Suetonius, who both of them distinctly mention the Christians as the victims of Nero's cruelty. The view that they may be 'injecting into the incidents of the reign of Nero the language and experience that belong to the age of Trajan,' he regards as a wholly gratuitous assumption. That it is an assumption which cannot be proved is not denied, but at least it has the advantage of explaining the facts, which Dr. Lightfoot's assumption about the all-predominant influence of Poppaea and her use of it against the Christians does not do. Nor can it be said to be gratuitous. These notices, written certainly not before the second decade of the second century, are the very first indications in non-Christian writers that the Christians were regarded as an independent body, or were in fact known by name to the Roman world at all. Josephus, Seneca, and the elder Pliny are absolutely silent about them. This silence does not prove that those writers knew nothing about the Christians, but it certainly gives some grounds for the assumption, while both Tacitus and Suetonius, whose notices about the Christians are later in date than Pliny's letter, might have gained their information, if in no other way, from their mutual friend. But Dr. Lightfoot finds positive arguments for his own view in the account of Tacitus and Suetonius. In the first place, Tacitus says, 'quos vulgus Christianos apellabat,' not the 'common people calls,' but 'the common people called them Christians,' *i.e.* in Nero's time. It seems obvious to remark on this, that if Tacitus was, as assumed, speaking of Nero's time with the knowledge only gained in his own, he would naturally have made his account consistent by the use of the fitting tenses. Again: 'Tacitus himself betrays no signs of confusing the two. His knowledge of the origin of Christianity is decidedly more accurate than his knowledge of the origin of Judaism,' and, 'It is an important fact that both these writers regard Christianity as a *new* religion.' Surely Dr. Lightfoot misunderstands the point of the argument. It is not contended by any one that either Tacitus or Suetonius confused the Christians with the Jews, or that they regarded Christianity as other than a new religion. On the contrary, the assumption with which Dr. Lightfoot finds fault, is that, knowing, from whatever source, the distinction themselves, they wrongly described the events of Nero's

reign, as if it was equally well known at that time. Whether this is true or not, it is absolutely unaffected by Dr. Lightfoot's arguments. Passing from the events of Nero's to those of Domitian's reign, and from Tacitus and Suetonius to Dio Cassius or his epitomator, Dr. Lightfoot confesses that 'the account of Dio Cassius respecting the proceedings taken by this emperor against Flavius Clemens and Domitilla seems at first sight to favour the view that the two religions were identified at this time.' But, he proceeds, 'we must remember that these are not the words of the historian himself. It is just in incidents of this kind that an epitome is most likely to mislead; and even the epitomator does not distinctly say that Flavius Clemens and Domitilla were themselves among the perverts to Jewish practices. The notice is entirely satisfied by the supposition that offences not identical, but similar in kind—offences, namely, which the Roman law regarded as "atheism"—are classed together in a rough way. When for instance Tacitus (*Ann.* ii. 85) says, "A debate was held on the expulsion of Egyptian and Judaic ceremonies (de sacris Aegyptiis Iudaicisque pellendis); and a decree of the senate was passed ordering that four thousand persons of the class of freedmen, *tainted with that superstition* (ea superstitione infecta), who were of a proper age, should be transported to the island of Sardinia," no one infers from this passage that either the authors of the decree themselves, or the historian who records it, identified the worship of Isis and Serapis with the religion of the Jews, though from a Roman point of view the association of the two would appear in the highest degree natural.' The passage from Tacitus may be disposed of at once. It has no sort of analogy with the notice in Dio Cassius. The Egyptian and Jewish rites are clearly spoken of as different. The 'ea superstitione' does not really conceal this difference, as, though certainly not without ambiguity, it refers only to the Jews. This, the natural interpretation even of Tacitus's words by themselves, is proved to be correct by the corresponding passage in Suetonius (*Tib.* 36): "Externas caerimonias, Aegyptios Iudaicosque ritus compescuit. . . . Iudaeorum iuventutem per speciem sacramenti in provincias gravioris caeli distribuit." The passage in Dio Cassius (quoted on p. 56) is of quite a different character: '*ἐπηνέχθη δὲ ἀμφοῖν ἔγκλημα ἀθεότητος ὑφ' ἧς καὶ ἄλλοι εἰς τὰ τῶν Ἰουδαίων ἤθη ἐξοκέλλοντες πολλοὶ κατεδικάσθησαν.*' It seems to me absolutely impossible to avoid the conclusion that the writer of these words, whether Dio Cassius or his epitomator, classed Clemens and Domitilla under the same head as the Judaisers whom he next mentions. We may regard them all as Jewish proselytes, or we may, as is usually and more probably done, regard them all as Christians, but it is, in Dr. Lightfoot's words, 'a wholly gratuitous assumption' which would never occur to any one who had no particular point to prove by it, to say that Clemens and Domitilla were Christians and the rest Jewish proselytes.[1] Nor do I understand the point which

[1] If the two classes had been regarded by the writer as different, he would have used

Dr. Lightfoot makes with regard to the probability of a mistake on the part of the epitomator. The epitomator was Xiphilinus, a monk of the eleventh century, and the very fact that he does not distinctly claim Clemens and Domitilla as Christian martyrs, seems to show that he simply reproduced the statement of Dio as he found it. At any rate, if he departed from his authority at all, we should have expected him rather to bring out than to slur over the distinction between the two classes, if that distinction was traceable in Dio. But though I do not think that Dr. Lightfoot has weakened the case of those who do not believe that the Jews and Christians were clearly distinguished up to the reign of Domitian, and who therefore refuse to admit that the persecutions of that emperor and Nero were levelled primarily against the Christians as a body, I believe that he is quite right in calling attention to an aspect of the matter which, as he says, has been strangely overlooked. 'The mere negative fact,' he says, 'that the Christian religion had not been recognised as lawful would be an ample justification for proceedings against the Christians as soon as it came to be recognised that Christianity was something distinct from Judaism. No positive prohibition was needed. Here was a religion rampant, which had never been licensed by the state, and this fact alone was sufficient to set the law in motion.' With one or two qualifications, this may be accepted as correct. The statement, however, that every religion in order to be free from persecution needed to be licensed, is too sweeping. The general principle of the Roman government in matters of religion was toleration, and only those religions which by in any way taking the form of collegia constituted a political danger, or were dangerous to public morality, would be liable to interference. The law therefore which Dr. Lightfoot speaks of as able to be set in motion was no general law against unlicensed religions, but rather the law general or special against unlicensed collegia. Thus the worship of Isis was put down more than once (Val. Max. i 3, 4: cf. also Tertull. *Apol.* 6), but then we find evidence from inscriptions that there were numerous 'collegia Isidis,' which, joined to the secrecy of the worship, might easily be made causes of political danger. Again Augustus granted toleration to the Jewish worship, but he did this by instructing the governors of the Oriental provinces not to enforce against the Jews the strict laws concerning associations and meetings (Mommsen, *Rom. Geschichte*, vol. v, p. 497). Again Dio Cassius puts into the mouth of Maecenas the maxims of Roman policy in this respect (52, 36): '*τοὺς δὲ δὴ ξενίζοντάς τι περὶ αὐτὸ (τὸ θεῖον) καὶ μίσει καὶ κόλαζε μὴ μόνον τῶν θεῶν ἕνεκα ἀλλ' ὅτι καὶ καινά τινα δαιμόνια οἱ τοιοῦτοι ἀντεσφέροντες πολλοὺς ἀναπείθουσιν ἀλλοτριονομεῖν κἀκ τούτου καὶ συνωμοσίαι καὶ συστάσεις ἑταιρεῖαί τε γίγνονται.*' Lastly, as I have tried to show (p. 61), the persecution in Bithynia was based on the edict which Pliny had issued against hetaeriae,

ἕτεροι and not *ἄλλοι*. The former denotes difference of class or category, the latter difference between individuals in the same class.

and was therefore directed not against adherents of an illegal religion, but against members of an unlicensed and forbidden 'collegium.'

These qualifications to Dr. Lightfoot's statement which I have quoted above lead thus to a very practical distinction between his view and that which I have followed. He maintains that the events under Nero, Domitian, and Trajan were all persecutions of the Christians as an unlicensed religion. My view is that they should none of them be called persecutions of the Christians at all, in the first two cases because the Christians were not recognised as a distinct body as yet, in the last case, because it was a mere prosecution under a law against secret associations, of which the Christian meetings seemed to be a violation; and, as I have pointed out, Trajan's rescript could only have reference to Pliny's province. Why Dr. Lightfoot should describe it as 'the most severe of all the persecutions of which we have any knowledge during the first and second centuries,' while admitting that Pliny's correspondence is 'the sole ultimate chronicle of this important chapter in the sufferings of the early Church,' I do not understand. Pliny's letter certainly implied that he had only executed a few, and that as soon as he found that the number of the accused was becoming considerable, he delayed proceedings till he had consulted the emperor; and the practical result of Trajan's rescript must have been to stop the persecution, since he forbade any initiative to be taken by Pliny (conquirendi non sunt), and also any anonymous accusations (sine auctore propositi libelli in nullo crimine locum habere debent).

I agree therefore on the whole, though from somewhat different reasons, with Dr. Lightfoot's opinion that 'as regards Trajan's attitude towards Christianity, the view of the earliest Christian fathers was less wide of the truth than the view of recent modern critics,' *i.e.* that the rescript of the emperor inaugurated a new era. It was, it seems to me, merely the official interpretation, confirming Pliny's previous action, of the law against unlicensed collegia. So far as it went, however, it was an edict of proscription against Christianity, which by its very essence was an association and therefore illegal, and if it could be proved that the rescript was intended to apply to the whole empire, which I think was certainly not the case, it might fairly be described as the initiation of an anti-Christian policy. Whether the later and undoubted persecutors, *e.g.* M. Aurelius, Decius, Diocletian, etc., used it as a precedent, only giving it a general application, is uncertain, but is by no means improbable.

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THE END

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